

9 August - 3,569 -
16. " 2,941 -
Record of Proceedings

of the
INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST

Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The United States of America, the Republic of China,
the United Kingdom of Great Britain and Northern Ireland,
the Union of Soviet Socialist Republics, the Commonwealth of
Australia, Canada, the Republic of France, the Kingdom of
the Netherlands, New Zealand, India, and the Commonwealth
of the Philippines

-Against-

ARAKI, Sadao; DOHIHARA, Kenji; HASHIMOTO,
Kingo; HATA, Shunroku; HIRANUMA, Kiichiro; HIRO-
TA, Koki; HOSHINO, Naoki; ITAGAKI, Seishiro; KAYA,
Okinori; KIDO, Koichi; KIMURA, Heitaro; KOISO, Kuni-
aki; MATSUI, Iwane; MATSUOKA, Yosuke; MINAMI,
Jiro; MUTO, Akira; NAGANO, Osami; OKA, Takasumi;
OKAWA, Shumei; OSHIMA, Hiroshi; SATO, Kenryo; SHI-
GEMITSU, Mamoru; SHIMADA, Shigetaro; SHIRATO-
RI, Toshio; SUZUKI, Teiichi; TOGO, Shigenori; TOJO,
Hideki; UMEZU, Youshijiro;

-Accused-

Official Court Reporters

Jack Greenberg, Chief
Fred T. Abram
James F. Barton
Antoinette Duda
Samuel Goldberg
Robert B. Morse
John J. Smith
Daphne Spratt
Elvira Whalen
Julian Wolf
Lorraine Yeldert

9 AUGUST 1946

I N D E X
of
WITNESSES
(none)

I N D E X
of
EXHIBITS

| <u>Pros.</u> <u>No.</u> | <u>Def.</u> <u>No.</u> | <u>Description</u> | <u>For</u> <u>Ident.</u> | <u>In</u> <u>Evidence</u> |
|----------------------------|---------------------------|--|-----------------------------|------------------------------|
| 269 | | Premier Konoye's Talk Regarding the Adjustment of Sino-Japanese Relations | | 3575 |
| | | (Same Withdrawn) | | 3580 |
| 269 | | Materials for the Private Report to the Emperor by Minister UGAKI | | 3584 |
| 270 | | Gist of the Talk by SATO, Kenryo, Chief of Press Section, War Ministry | | 3609 |
| 271 | | The Matter of the Termination of Co-Operative Relation between the Japanese Empire and various Organs of the League of Nations | | 3641 |
| 272 | | Presentation of Situation Estimate of Central China Expeditionary Army | | 3655 |

1 Friday, 9 August, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of the HONORABLE R. B. PAL, Member from
15 India, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

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19 - - -

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21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Does counsel desire to mention
4 any matter?

5 Mr. Parkinson.

6 MR. PARKINSON: If the Tribunal please, it
7 is my recollection that at the conclusion of the pro-
8 ceedings yesterday that the defense was stating an
9 objection, and I am not certain that they had con-
10 cluded at the time of the recess.

11 THE PRESIDENT: I understand they asked for
12 certain particulars about a document. I said you
13 would answer them today. They said there was no
14 certificate attached to document 268. They did not
15 know where it came from or when it was published, or
16 who published it.

17 MR. PARKINSON: I am informed that the cer-
18 tificate with relation to the document referred to
19 has been heretofore filed with the Secretariat.

20 THE PRESIDENT: You can give us those
21 particulars briefly, Mr. Parkinson.

22 MR. PARKINSON: I was unable to hear that,
23 your Honor.

24 THE PRESIDENT: Will you give us those
25 particulars; it is a simple matter.

1 MR. PARKINSON: Yes, sir.

2 This document was read as a portion or an
3 extract, complete within itself, taken from a file
4 entitled, "Treaties concerning basic relations be-
5 tween Japan and China," and is an official document
6 of the Japanese foreign office. And this particular
7 exhibit was taken from that file.

8 THE PRESIDENT: The original is under the
9 certificate of Mr. SHIMODA, Chief of the Archives
10 Section. It seems to be well authenticated.

11 Mr. Logan.

12 MR. LOGAN: It may be authenticated now,
13 your Honor, but yesterday when it was submitted to
14 the Clerk that certificate which is on your desk was
15 not in court here. It was in the Clerk's office.
16 It was just this document itself without any certifi-
17 cate. That is why we want to know from where it came.
18 But now I went to the Clerk's office to examine it
19 after court yesterday. I would like to -- but I
20 would also like to have the prosecution state if they
21 know who was it that said this was a statement of the
22 government concerning the China Incident, and where
23 did this document come from? Who is the author of it?
24 It does not appear on its face, nor does it appear on
25 the certificate. I should think the Tribunal would be

1 interested in that in order to determine what weight
2 to give to the document.

3 MR. PARKINSON: The prosecution, your Honor,
4 is not responsible for the contents of the document.
5 It is correctly stated that it is a statement of the
6 government. There is no indication in the document
7 or subsequent documents exactly who that spokesman
8 was. However, the latter part of the document refers
9 to comments by Prince KONOYE. The assumption is that
10 since this is an issuance of the foreign office, and
11 with that reference, that it was a comment or an
12 official statement from the official spokesman, namely,
13 the Premier.

14 THE PRESIDENT: Proceed with the reading of
15 the document.

16 MR. PARKINSON: The reading of this document
17 was concluded, your Honor.

18 THE PRESIDENT: There is no objection to it.
19 It is conceded that it is admissible. The objection
20 goes to the weight, which we will consider.

21 MR. S. OKAMOTO: I am OKAMOTO, Shoichi,
22 counsel for the defendant, MUTO, Akira.

23 I wish to call the attention of the Court --
24 respectfully call the attention of the Court to the
25 interrogatory of General MUTO admitted yesterday.

1 This morning -- in this morning's large Japanese
2 newspapers, such as the Asahi and others, it was
3 reported in connection with the Nanking Incident
4 that General MATSUI had been criticised -- had been
5 reprimanded by his own staff officers.

6 THE PRESIDENT: You cannot correct the
7 newspapers here. We are not here to correct what
8 appears in the Japanese Press. That would involve
9 a great waste of time for us. You have no remedy
10 here. You will have to suffer the Japanese Press.

11 MR. S. OKAMOTO: There is just one point
12 -- one simple point concerning the interrogatory
13 which I would like to be permitted to state here.

14 In the 6th page of the Japanese text, which
15 corresponds to the 5th page of the English text,
16 there are words to the effect that General MUTO
17 was reprimanded -- General MATSUI was reprimanded --
18 by his staff officers in connection with this action.
19 Several lines later there are these words:

20 "A I was there when General MATSUI was
21 reprimanded."

22 The next question is:

23 "To whom?"

24 And the answer is:

25 "The Chief of Staff."

1 Several lines later there is -- the
2 interpreter's words are inserted, saying, "I made
3 a mistake. 'MATSUI got mad and bawled out his
4 subordinates.'"

5 Yesterday, instead of saying "mistake,"
6 this word was read "SHIBUSAWA," which in Japanese
7 would not make sense, since it was the name of the
8 former Finance Minister.

9 In Japanese, when honorifics are used, the
10 passive tense is used. Therefore, the interpreter,
11 instead of saying, "General MATSUI reprimanded his
12 officers," translated as "MATSUI was reprimanded
13 by his officers."

14 THE PRESIDENT: We note what you say, but
15 we have heard enough.

16 Mr. Parkinson.

17 MR. PARKINSON: If the Tribunal please,
18 I now offer in evidence prosecution's document No.
19 IPS 813, being Prince "KONOYE's Talk Regarding the
20 Adjustment of Sino-Japanese Relations."

21 THE PRESIDENT: Admitted on the usual terms.

22 MR. PARKINSON: I understand the original
23 and certificate have heretofore been lodged with the
24 Clerk.

25 CLERK OF THE COURT: Prosecution's document

1 813 will receive exhibit No. 269.

2 (Whereupon, prosecution's exhibit
3 No. 269 was received in evidence.)

4 MR. PARKINSON: (Reading)

5 "Premier KONOYE's Talk Regarding the
6 Adjustment of Sino-Japanese Relations."

7 "Dec. 22, 1938."

8 THE PRESIDENT: Mr. Smith.

9 MR. SMITH: If your Honor please, on behalf
10 of all the defendants, we object to this document.
11 It purports to be a talk by Mr. KONOYE, who is not a
12 defendant in this case.

13 THE PRESIDENT: It must be connected up with
14 the defendants at some stage or other. It is received
15 subject to that.

16 MR. SMITH: I want to add to the objection,
17 your Honor, that there is no showing as to where it
18 came from.

19 MR. PARKINSON: The source of the document
20 would be indicated on the certificate, a copy of which
21 I do not have before me.

22 THE PRESIDENT: The Members of the Tribunal
23 desire you to read the certificate covering each docu-
24 ment. They do not want to go to the trouble them-
25 selves of having to ask the Clerk of the Court for the

1 certificate, and certainly it does not do for eleven
2 members each to have to satisfy himself when you could
3 meet their requirements by reading the certificate.

4 MR. PARKINSON: Very well, sir.

5 Does your Honor wish the entire certificate
6 read or just the statement, the source of origin?

7 THE PRESIDENT: Yes.

8 MR. PARKINSON: My question was, your Honor,
9 if you wished the entire certificate read or just the
10 source of origin stated therein?

11 THE PRESIDENT: No, we want the entire
12 certificate read so that it will be in the record.

13 MR. PARKINSON: Very well.

14 THE PRESIDENT: Questions will arise as we
15 read the record. We will say, "Where did this come
16 from?" To satisfy ourselves we will have to consult
17 the original document; and there are eleven of us to
18 be satisfied. You shorten the work for us and you will
19 keep down the number of objections by the defense if
20 you read the certificates.

21 MR. PARKINSON: Very well, your Honor.

22 MR. LEVIN: I would like to state to the
23 Court that there is no certificate attached to any of
24 these documents in the copies which were furnished to
25 the defense.

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1 MR. PARKINSON: Nor did this phase, if the
2 Court please, understand that a copy of the certificate
3 was necessary for the defense.

4 (Reading): "Certificate. W. D. C. No." blank
5 "I. P. S. No. 813. Statement of Source and Authen-
6 ticity. I, Yuzo, ISONO hereby certify that I am
7 officially connected with the Japanese Government
8 in the following capacity, Chief of War Crimes Section,
9 Foreign Office, and that as such official I have custody
10 of the document hereto attached consisting of three
11 pages dated 22 December 1938."

12 MR. LOGAN: If the Tribunal please, it has
13 just been called to my attention that this document,
14 No. 269, is exactly the same as the latter part of
15 the previous one, No. 268.

16 THE PRESIDENT: Complete the reading of the
17 certificate.

18 MR. PARKINSON: "and described as follows:
19 Typewritten text of speech by Prince KONOYE regarding
20 establishment of Sino-Japanese friendship. I further
21 certify that the attached record and document is an
22 official document of the Japanese Government and that
23 it is a part of the official archives and files of the
24 following named Ministry or Department (specifying
25 also the file number of citation, if any, or any

1 "other official designation of the regular location of
2 the document in the archives or files). Signed at
3 Tokyo on this third day of July, 1946. Signature of
4 official, Y. ISONO. Witness, NAGAHARU, Odo. Seal.
5 Official capacity " blank.

6 THE PRESIDENT: As to Mr. Logan's point,
7 there seems to be some resemblance between the last
8 paragraph of exhibits 268 and 269, but that is as
9 much as you can say. It does not affect the question
10 of admissibility. I mean it is only wasting time to
11 try to stop the document getting in on that account.

12 MR. LOGAN: If your Honor please, it is not
13 only the last paragraph, but it is the entire speech
14 made by Prince KONOYE on December 22nd, so that all
15 of page two and page three of prosecution's exhibit
16 No. 268 is exactly the same with slight difference in
17 the translation as document 269. It is the same speech.

18 THE PRESIDENT: Suppose it is. Why couldn't
19 two men agree to make the same speech? Fifty men could.

20 MR. LOGAN: If your Honor please, this is
21 the same man that is making the speech, not two men.

22 THE PRESIDENT: That does not appear from
23 the documents. One is a statement of the government
24 and the other is a statement by Prince KONOYE.

25 MR. LOGAN: If your Honor please, this morning

1 Mr. Parkinson said that this statement on page two
2 and page three was the purported speech of KONOYE.
3 It was made December 22nd, 1938. That is on exhibit
4 268. Now that is exactly the same speech as they
5 are introducing here in exhibit 269. It is the same
6 speech by the same man. It is just repetitious, a
7 little difference in the translation, a word here,
8 a phrase there, but it is the same speech. I think
9 Mr. Parkinson would probably even admit that.

10 THE PRESIDENT: The words are different, but
11 the sentiment seems to be the same certainly. Why
12 are you pressing this second document, Mr. Parkinson?
13 You are just putting it in because they gave it to
14 you with the certificate, or because you think it is
15 of some value?

16 MR. PARKINSON: No. At the time I thought it
17 was of some value. I am quite willing to dispense
18 with the reading of it.

19 THE PRESIDENT: Well, in substance it is the
20 same as 268, is that so?

21 MR. PARKINSON: I think so.

22 MR. BROOKS: If the Tribunal please, I am
23 informed by Japanese counsel that the Japanese characters
24 or the Japanese writing are identical, that the only
25 difference is the translation on English copy.

1 MR. PARKINSON: I had not been informed of
2 that, your Honor. I would not have offered it. If
3 that is true, I withdraw the tender.

4 THE PRESIDENT: You withdraw the document?

5 MR. PARKINSON: If it is identical, I most
6 assuredly do.

7 THE PRESIDENT: You have our permission to
8 withdraw it.

9 MR. PARKINSON: Thank you.

10 I now offer in evidence IPS Document 1338
11 consisting of two parts: one, materials for private
12 report to the Emperor by Minister UGAKI, and another,
13 part two, report of Foreign Minister ARITA to the
14 Privy Council at its meeting 29 November 1938.

15 CAPTAIN KLEIMAN: May it please ---

16 THE PRESIDENT: Well, read the certificate,
17 will you? And don't let me have to ask for that
18 certificate every time. You must read the certificate
19 when you present a document.

20 MR. PARKINSON (Reading): "W. D. C. Number"
21 blank, "I. P. S. No. 1338. Statement of Source and
22 Authenticity. I, SHIMODA, Takeso, hereby certify
23 that I am officially connected with the Japanese Govern-
24 ment in the following capacity, Chief of the Archives
25 Section, Foreign Office, and that as such official I

1 "have custody of the document hereto attached consisting
2 of six pages, dated 21 September 1938 and described
3 as follows: Materials for the private report to the
4 Emperor by Minister UGAKI (East Asia Bureau, First Section)

5 I further certify that the attached record and docu-
6 ment is an official document of the Japanese Government
7 and that it is a part of the official archives or files
8 of the following named Ministry or Department (spec-
9 ifying also the file number of citation, if any, or
10 any other official designation of the regular location
11 of the document in the archives or file). Signed at
12 Tokyo on this 31st day of July, 1946. Signature of
13 official, T. SHIMODA, Chief of Archives Section,"his
14 "official capacity."

15 "Statement of Official Procurement. I,
16 Edward Monahan, hereby certify that I am associated
17 with the General Headquarters of the Supreme Commander
18 for the Allied Powers, and that the above-described
19 document was obtained by me from the above-signed
20 official of the Japanese Government in the conduct
21 of my official business. Signed at Tokyo on this 31st
22 day of July, 1946, Edward Monahan, Investigator, IPS."

23 THE PRESIDENT: It is sufficient to read the
24 first certificate.

25 MR. PARKINSON: Very well, sir. I now offer

1 that document into evidence.

2 THE PRESIDENT: That will be 269, not 270.
3 269 is withdrawn. Admitted on the usual terms.

4 (Whereupon, prosecution's exhibit No.
5 269 was received in evidence.)

6 THE PRESIDENT: Why these futile objections?
7 The thing is under certificate.

8 CAPTAIN KLEIMAN: On the ground of relevancy,
9 may it please your Honor. May I ask the prosecution
10 this question? Have they any minutes of the proceedings
11 of the Privy Council with respect to this speech? Has
12 the Privy Council taken any action with reference to
13 this speech?

14 THE PRESIDENT: You will be concerned for the
15 first time when they show the Privy Council did take
16 action and that your client was a member of the Privy
17 Council and took part in the action.

18 This position was explained to you yesterday
19 very fully, Captain Kleiman.

20 CAPTAIN KLEIMAN: If that is the ruling of
21 the Court, may it please the Tribunal, I will never
22 again step up if the burden of proof is upon the pros-
23 ecution and there will be no presumption or inference
24 created against any of these defendants unless the
25 prosecution proves beyond a reasonable doubt that

1 either of the defendants participated in the par-
2 ticular provision, I will not step up again. But
3 I am afraid of assumptions or inferences.

4 THE PRESIDENT: I have nothing to add. There
5 is nothing to be gained by explaining the obvious.

6 CAPTAIN KLEIMAN: Well, may it please the
7 Tribunal, may I object that ARITA is not a defendant,
8 the same objection we took before with respect to
9 the other document?

10 THE PRESIDENT: The objection is disregarded.

11 MR. PARKINSON: Materials for the private
12 report --

13 CLERK OF THE COURT: Prosecution's document
14 number 1338 will receive exhibit number 269.

15 (Whereupon, prosecution's exhibit No.
16 269 was received in evidence.)

17 THE PRESIDENT: There has been a complete
18 power failure. We will recess until the power has
19 been restored.

20 (Whereupon, at 1020, a recess was taken
21 until 1045, after which the proceedings were
22 resumed as follows:)

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1 MARSHAL OF THE COURT: The Tribunal is now
2 resumed.

3 THE PRESIDENT: Mr. Parkinson, we are anxious
4 to know whether you supply the defense with certifi-
5 cates when you hand them a document you propose to
6 tender. Do you give them a copy of the certificate?

7 MR. PARKINSON: We haven't been so doing,
8 your Honor, but I just stated to the defense on their
9 request that we have no objection to pursuing that
10 course in the future.

11 THE PRESIDENT: In some cases they say,
12 "We have no certificates," suggesting they may have,
13 or may have seen, a certificate in others. I have
14 been under the impression that you were giving them
15 certificates, or copies thereof. The time wasted
16 on objections about certificates and about the source
17 of these documents and the person responsible is
18 giving us serious concern.

19 MR. PARKINSON: That hasn't been the policy,
20 your Honor, but I agree that it should be.

21 THE PRESIDENT: Proceed.

22 MR. PARKINSON: (Reading)

23 "Materials for the Private Report to the
24 Emperor by Minister UGAKI (East Asia
25 Bureau; First Section)

1 "1. The Negotiation with the British Ambassador
2 in Tokyo regarding the adjustment of the Problems
3 Pending between Japan and Britain:

4 "As I (UGAKI) have already reported to you,
5 the British Ambassador in Tokyo had presented at
6 the end of July all the so-called pending questions
7 regarding the British rights and interests in China,
8 and I have negotiated with him for the solution
9 of the questions. After that, I had discussed
10 with him four times successively on the 17th and
11 20th of August, and the 8th and 14th of September.
12 At the above meetings, I had told him that Japan
13 and Britain should mutually understand and recog-
14 nize calmly and justly each others standpoints.
15 I had also explained minutely that if Britain,
16 from a higher point of view, should be more friendly
17 and conciliatory toward Japan, and abandon her
18 policy to support Chiang Kai-shék, the relations
19 between the two countries would be greatly improved,
20 and the pending questions would easily be solved.
21 But the British Ambassador emphasized repeatedly
22 that Britain had attached the greatest important
23 to the prompt settlement of the questions between
24 Japan and Britain regarding the British rights
25 and interests in China. We have not yet come to

1 a complete understanding. As for my part, I wish to
2 explain to him more minutely Japan's standpoint, and
3 through the Ambassador, I shall try to convert the
4 British attitude toward Japan. For this purpose,
5 I intend to continue further negotiations with him.
6 "2. The Question regarding the British and French
7 Concessions in Tientsin:

8 "Since the outbreak of the Incident, the
9 authorities of the British and French concessions
10 in Tientsin have adhered to their so-called neutral
11 position, and have been inclined to hesitate in an
12 effort for cooperation requested by the Interim
13 Government and Japan. The outstanding examples are
14 that both these concessions are breeding places for
15 communistic anti-Japanese elements and are the bases
16 of operations for the intrigue to disturb peace and
17 order in the North China area by Chiang Kai-shek's
18 Regime. Various communistic anti-Japanese newspapers
19 and magazines are being published chiefly in these
20 areas. Japan has repeatedly demanded the British
21 and French authorities to strictly control these
22 activities, but we have been unable to get their
23 full cooperation.

24 "Both the Bank of China and the Communi-
25 cation Bank /Kotsu Ginko/ had participated and co-

1 operated in the establishment of the Federal Reserve
2 Bank which is the source of monetary system in North
3 China. But afterward, through the conspiracy of the
4 Chiang Kai-shek regime, these two banks in the French
5 concession in Tientsin refused an inspection by the
6 Federal Reserve Bank, and the authorities of the
7 French Concession also refused the above inspection.
8 These two banks have preserved within the two con-
9 cessions a great amount of silver ingots which are
10 supposed to be for the preparation of the monetary
11 system in North China. As it is necessary for the
12 Temporary Government and Japan to take hold of these
13 silver ingots as soon as possible, we must first of
14 all make the French Settlement authorities give up
15 their interference mentioned above. Moreover, we
16 had the Chinese Government take over the Telephone
17 Bureau in Tientsin immediately after the outbreak of
18 the Incident. But the Telephone Bureau in the Bri-
19 tish Settlement has not yet been handed over to the
20 Chinese Government, due to the lack of positive assis-
21 tance by the British authorities. It is necessary
22 to force the authorities to hand the Bureau over to
23 China at once. Under these circumstances, the Ja-
24 panese authorities at Tientsin have repeatedly nego-
25 tiated with the authorities of the British and French

1 Settlements, but I am sorry to say that we have not
2 seen any outstanding developments in the negotiations.
3 Therefore, with the purpose of threatening the British
4 and French authorities, our authorities there lately
5 ordered the Japanese people to prepare to evacuate
6 from the two concessions. This seemed to have had
7 some reflection on the British and French authorities.
8 According to reports from the consul-general in
9 Tientsin, both the British and French authorities
10 have recently assumed the attitude to cooperate a
11 little with us, and:

12 "a. They have decided to prepare to post
13 notice simultaneously in both concessions announcing
14 the thoroughgoing control of riotous activities.

15 "b. They have agreed to hold joint meet-
16 ings among the Japanese, British and Chinese police
17 authorities and negotiate in order to exchange infor-
18 mations and cooperate in the control.

19 "c. They have enforced the control of un-
20 lawful wireless apparatuses in the settlements.

21 "For the accomplishment of our various de-
22 mands, we have plans to continue further negotiations
23 with the British and French authorities both in Tokyo
24 and Tientsin.

25 "3. The establishment of the Federated Committee of

1 the Government of the Republic of China:

2 "Since the establishment of the Chinese
3 Interim Government in December last year, and the
4 Revolutionary Government in March this year, these
5 two regimes have been separated in the north and in
6 the south and there had been no organ to link their
7 controls.

8 "They have been working from their respective
9 standpoints to hastily organize their administration,
10 finance and public peace, etc. Japan will further
11 proceed with her effort in the destruction of the
12 Chiang Kai-shek Regime, while contemplating carefully
13 the establishment of a new Chinese Central Government
14 in its place. As a premise for the establishment of
15 a new Chinese Central Government, Japan has decided
16 to immediately establish a Federated Committee with
17 the cooperations of both the Interim Government and
18 the Revolutionary Government and including the Mon-
19 golia-Sinkiang Federated Committee. The above regimes,
20 thereafter, will absorb or cooperate with the other
21 elements, and thereby establish a true central gov-
22 ernment. Accordingly, on the 27th and 28th of August,
23 the representatives from our Government in Tokyo, and
24 our military authorities in Tientsin met at Fukuoka,
25 and have decided on a basic plan. Then on the 9th

1 and 10th of September, the representatives from the
2 Interim and the Revolutionary Governments, together
3 with the Japanese representatives met at Dairen, and
4 have finally decided to establish a Federated Com-
5 mittee of the Government of the Republic of China
6 at Peking. On the 22nd, an establishment ceremony
7 was held, and the first committee meeting is scheduled
8 to be held on the 23rd. The Committee will control
9 the common administrative affairs of the two govern-
10 ments, while the chief purpose will be to facilitate
11 the establishment of a New Central Government. By
12 this the Committee will not only facilitate and uni-
13 fy the administration of the two governments, but also
14 will have an important significance in the preparation
15 to establish a new Central Government in the future.
16 The chairman of the Committee is Mr. Wang Ko-Min,
17 head of the administrative Commission of the Chinese
18 Interim Government. The committee shall consist of
19 three members from each of the true governments, in-
20 cluding the presidents.

21 "REPORT OF FOREIGN MINISTER ARITA TO THE
22 PRIVY COUNCIL AT ITS MEETING 29 NOVEMBER 1938
23 (SHOWA 13) DEALING WITH THE FOREIGN POLICY
TOWARDS CHINA.

24 "The policy for the adjustment of the new
25 Sino-Japanese relations.

1 "As to the policy for the adjustment of the
2 new Sino-Japanese relations, it is our intention to
3 proceed on the basis of the following points with a
4 view to establishing a new order in East Asia through
5 mutual collaboration in political, economic and cul-
6 tural fields among Japan, Manchukuo, and China:

7 "I The problem of making peace with the
8 Chiang Kai-shek Regime.

9 "First of all, as to the problem of
10 making peace with the Chiang Kai-shek Government,
11 the British Ambassador to Japan made the other day
12 an unofficial proposal to Premier Konoye. Our side
13 rejected it on the ground that the time was not yet
14 opportune. It is our policy not to carry this out,
15 irrespective of whether the proposal is made through
16 the mediation of a third power or directly from the
17 Chiang Kai-Shek Government. However, as declared in
18 our Government's statement of November 3rd this year,
19 if the Chiang Kai-Shek Government should abandon its
20 pro-Comintern and anti-Japanese policy, reform the
21 composition of its organization, and voluntarily dis-
22 solve its regime and merge with the New Central Govern-
23 ment, a different consideration would be given to the
24 matter.
25

"II The adjustment of diplomatic relations

with the New Central Government.

1 "So long as we are not to make peace
2 with the Chiang Kai-shek Government, as stated
3 above, our country will foster the establishment
4 of a solid New Central Government on the basis
5 of the pro-Japanese regime which has been already
6 established and others which are scheduled to be
7 newly established in Hankow and Canton, and, after
8 the New Central Government has been firmly estab-
9 lished, we hope to achieve the following programmes
10 with the New Central Government:
11

12 "A. The realization of the principle
13 of general collaboration among Japan, Manchukuo,
14 and China, especially the principles of good
15 neighborly, friendship, joint defense against
16 the Comintern, and economic cooperation.

17 "B. The establishment in North China and
18 Mengchiang of a zone of a high degree Sino-Japanese
19 unity in defense and economic spheres (especiallly
20 the development and utilization of natuerl resources).

21 "In addition to the foregoing, the estab-
22 lishment in Mengchiang of a special military and
23 political zone for anti-Comintern purpose espec-
24 ially.

25 "C. The establishment along the lower

1 basin of the Yangtze River of a zone of high
2 degree Sino-Japanese unity in economic collaboration,

3 "D. In South China, besides the establish-
4 ment of special zones on certain specified islands
5 along the coast, endeavours shall be made to secure
6 the foundation of Sino-Japanese cooperation and
7 collaboration, with the major cities and towns
8 as the starting points.

9 "I shall now explain hereunder the fore-
10 going items in more details. The first item, that
11 is, the realization of the principle of neighborly
12 friendship, involves the following points:

13 "(1) The recognition of Manchukuo by
14 China. China shall recognize Manchukuo; both
15 Japan and Manchukuo shall respect the territorial
16 integrity and sovereignty of China; and Japan,
17 Manchukuo and China shall establish new diplomatic
18 relations with each other.

19 "(2) In the various fields of politics,
20 diplomacy, education, propaganda and trade, Japan,
21 Manchukuo, and China shall remove, and also pro-
22 hibit in the future, measures and causes which
23 mutually destroy the friendly relations among them,

24 "(3) Japan, Manchukuo, and China shall
25 cooperate with each other to harmonize, create and

1 develop the culture of the three countries.

2 "Regarding the second item, namely, the
3 principle of joint defense, we hope to have Japan,
4 Manchukuo, and China, with the chief objects of
5 jointly defending themselves against the Comintern
6 and at the same cooperating with each other in the
7 maintenance of common public order and peace, adopt
8 the following program:

9 "(1) Cooperation of Japan, Manchukuo,
10 and China against the Comintern.

11 "(2) Enforcement of joint Sino-Japanese
12 defense against the Comintern. For this purpose,
13 Japanese Army is to be stationed in North China
14 and Mengchiang.

15 "(3) The conclusion of a Sino- Japanese
16 military alliance against the Comintern.

17 "(4) The early withdrawal of Japanese
18 troops, excepting the stationing of troops in
19 specified zones, points, and islands for the
20 purpose of guarantee and the maintenance of public
21 peace and order.

22 "(5) Financial cooperation on the part
23 of China with respect to the stationing of Japanese
24 troops in China for the purpose of cooperation in
25 maintaining public peace and order.

1 "(6) The reservation of military demands
2 and right of supervision over railways, aviation,
3 communications, principal harbours, waterways, etc.,
4 and cooperation in the improvement and adjustment of
5 Chinese Army and police force.

6 "Finally, in regard to the principle of
7 economic cooperation, we desire that Japan, Man-
8 chukuo, and China, shall, in accordance with the
9 aim of common reciprocity based on the object of
10 making up each other's deficiencies and supplying
11 each other's needs in respect to industry and eco-
12 nomics with the view to realizing the fruits of
13 mutual link and joint defense, conclude agreements
14 whcih may be necessary to realize the following
15 items with respect to the development of resources,
16 customs, trade, aviation, transportation, communi-
17 cation, meteorological observations and surveys
18 in the three countries:

19 "(1) Regarding the development and
20 utilization of natural resources, emphasis shall
21 be laid on the securing from North China and Meng-
22 chiang of those resources, especially underground
23 resources, which Japan and Manchukuo lack. For
24 this purpose China shall offer every possible
25 facility. Likewise, in other districts, also,

1 China shall offer necessary facilities for the
2 development of specified resources.

3 "(2) For the establishment of China's
4 financial and economic policies, Japan shall render
5 such aids as may be required.

6 "(3) In regard to trade, appropriate
7 customs and maritime customs system shall be
8 adopted, so as to promote the general trade among
9 Japan, Manchukuo, and China.

10 "(4) Necessary assistance and cooperation
11 shall be given for the development of transportation,
12 communications, meteorological observations, surveys,
13 etc., in China.

14 "III With respect to the powers: interests
15 and rights in China, the Japanese Government has, as
16 may be seen from its repeated statements and guaran-
17 tees, tried its best to respect these rights and
18 interests. However, due to military necessities,
19 etc., some restrictions have been imposed. Recently,
20 Britain, the United States, etc., have made various
21 representations based on the principle open-door
22 and equal opportunity. In this connection, it is
23 the intention of the Imperial Government to cope
24 with the situation by adopting the policy of exam-
25 ining the so-called open-door and equal opportunity

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2 development of specified resources.

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22 and equal opportunity. In this connection, it is
23 the intention of the Imperial Government to cope
24 with the situation by adopting the policy of exam-
25 ining the so-called open-door and equal opportunity

1 principle from the standpoint of the establishment
2 of a Japan-Manchukuo-China economic bloc based
3 upon the necessities for the existence and defense
4 of our Empire, and of not recognizing such a prin-
5 ciple within the extent that it is incompatible
6 with this standpoint.

7 "To put the above in a concrete form,
8 our chief objects are that:

9 "(a) Japan shall control in substance
10 the development of natural resources for national
11 defense in principally North China and Mengchiang.

12 "(b) The currency system, customs, and
13 maritime customs system in new China shall be
14 adjusted from the standpoint of Japan-Manchukuo-
15 China economic bloc.

16 "So long as the powers' rights and in-
17 terests in China do not conflict with the foregoing
18 two objects, we will not purposely exclude and
19 restrict them. Furthermore, to these countries
20 which, like Germany and Italy, show a friendly
21 attitude towards Japan, it is our policy to welcome
22 their participation in the economic development of
23 New China.

24 "Diplomatic policy towards the third
25 powers.

1 "As regards the diplomatic policy towards
2 the third powers, in view of the attitude of Britain,
3 the United States, and France of interfering with
4 Japan's policy toward China by bringing out the
5 Nine-Power Treaty, we shall endeavor to reject the
6 idea of disposing of the Chinese problem by the Nine-
7 Power Treaty and other collective machinery. At
8 the same time, with the object of forcing the powers
9 individually to understand the facts our policy
10 toward China and either voluntarily support our
11 country's attitude or at least stand by idly through
12 the reinforcement of the anti-Comintern axis of
13 Japan, Germany and Italy, and disposing of the
14 China Affair as quickly and clearly as possible,
15 we wish to adopt measures according to the follow-
16 ing outline:

17 "(1) To strengthen the political re-
18 lations among Japan, Germany, and Italy, and the
19 economic cooperation among Japan, and Manchukuo
20 on the one side and Germany and Italy on the other.

21 "(2) To strive, through the powerful and
22 clear disposition of the China Affair, to make
23 Britain, the United States, and France understand
24 de facto our policy toward China and individually
25 abandon their past policy of aiding the Chiang.

1 Kai-shek regime and their idea of disposing of the
2 East Asiatic question by means of collective
3 machinery. As the instrument of these moves
4 against the above three countries, particularly
5 Britain, utilization should be made of the guarantee
6 of their rights and interests in China, besides the
7 adoption of great diplomatic measures, such espec-
8 ially against Britain, besides big diplomatic as
9 the reinforcement of the Anti-Comintern Pact among
10 Japan, Germany, and Italy. However, in order to
11 avoid unnecessary frictions, those individual
12 pending cases which are harmless to the superior
13 position occupied by Japan in East Asia shall be
14 settled one after another.

15 "(3) To carry out every possible measure
16 for making the Soviet Union refrain from actively
17 participating in the present Affair."
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1 MR. PARKINSON: I now wish to offer IPS docu-
2 ment 1685, being "Gist of Talk by SATO, Kenryo, Chief
3 of Press Section, War Ministry," to which document the
4 following certificate is attached.

5 THE PRESIDENT: The only certificate you need
6 read is that of the Japanese official.

7 When you supply copies of the certificates to
8 the defense it may be sufficient merely to say that
9 you have the necessary certificate and that it has been
10 filed. That will dispense with the reading of the
11 certificate in most cases, we hope. We are insistent
12 upon having the source of these documents and the per-
13 sons responsible for them. We want to know who said
14 these things and when.

15 MR. PARKINSON: In the instant case, your
16 Honors, the certificate is not from the Japanese Govern-
17 ment but from the head of the document room or document
18 section of IPS, showing the origin or the source from
19 which he received this document.

20 May I read that certificate, your Honor?

21 THE PRESIDENT: Yes, read it.

22 MR. PARKINSON: (Reading) "Certificate. I,
23 E. E. Danly, hereby certify--"

24 THE PRESIDENT: That is not the Japanese cer-
25 tificate, is it?

1 MR. PARKINSON: No, sir.

2 THE PRESIDENT: Well, that is the certificate
3 we want. Where you get a document from the Japanese
4 Government we want you to read the certificate from
5 the Japanese official.

6 MR. PARKINSON: May I ask the indulgence of
7 the Tribunal?

8 MR. TAVENNER: Mr. President, and Members of
9 the Tribunal: On June 4 the Court laid down a rule
10 for our guidance in regard to certifications and
11 authentications in this language:

12 "The Tribunal also orders that the prosecution
13 be at liberty to produce in Court documents obtained
14 from the Japanese Government offices purporting to be
15 records and files from such offices without further
16 authentication."

17 THE PRESIDENT: None of the documents about
18 which a question arose today did purport to be those
19 things, so a certificate was required.

20 MR. TAVENNER: I recognize the point of your
21 Honor. Where the document, however, does purport to
22 be from the official files we would take it that this
23 ruling on June 4 would apply. As I understood the last
24 document, this rule would apply by reason of the fact
25 that it shows on its face that it is from the official

1 documents.

2 THE PRESIDENT: This is the difficulty. A
3 thing does not necessarily purport to be from a Japan-
4 ese Government office if you decide to write across it
5 that it is from one. In other words, the evidence of
6 its purport has to be on its face when you get it from
7 the Japanese Government.

8 MR. TAVENNER: This document shows, if your
9 Honor please, the following:

10 "At the temporary conference of Police Bureau
11 Chiefs in the Home Office."

12 In addition to this, the certificate of Mr.
13 'Danly shows from whom it was received, which would
14 also be evidence of the place from which it came. Our
15 only purpose is to obviate the necessity of doing what
16 the Court decided on June 4 that we should not be com-
17 pelled to do, which appears in this language in the
18 Court's opinion:

19 "The purpose of the prosecution is to obviate
20 the needs for hundreds of certificates of authenticity."

21 THE PRESIDENT: You are getting into another
22 field. We are not going back on any decision we made,
23 but we are talking about these cases in which you have
24 the certificates, have seen the need for them, but have
25 not supplied the defense with copies. We are not

1 dealing with the case where you are excused from getting
2 the certificate, but with cases where you have obtained
3 the certificates.

4 MR. TAVENNER: Then I am correct, I suppose,
5 in assuming that the statement made by your Honor on
6 return from the recess does not apply to the situation
7 which we have described here?

8 THE PRESIDENT: I have said nothing which
9 affects any decision the Court has already made.

10 MR. FREEMAN: If the Tribunal pleases, my name
11 is James N. Freeman, American counsel for SATO, Kenryo.

12 On behalf of the accused SATO I would like to
13 object to this document being offered in evidence, on
14 the ground of authenticity and relevancy. It is
15 obvious on its face that this document is not the
16 speeches made by SATO on August 25 and 29, 1938. The
17 preface to the document indicates that this document
18 was written and edited by someone other than the accused.
19 I quote the preface:

20 "Two talks by SATO, Kenryo, are practically
21 the same except for a slight change in the contents
22 and in the order. Following is a collection of both
23 talks. The responsibility for the wordings, of course,
24 is on the writer."

25 These speeches were extemporaneous and at no

1 time did the accused reduce them to writing.

2 MR. PARKINSON: I object to that last remark
3 of counsel. There is nothing in the record to show
4 that fact.

5 MR. FREEMAN: I suggest the preface shows that
6 fact.

7 THE PRESIDENT: The document is admissible, but
8 what you mention is a consideration. It may be that
9 when he said he is responsible for the wording, he is
10 responsible for having taken it from an oral speech and
11 not from anything written. That is a matter we will
12 have to ponder upon.

13 Your objection must be overruled.

14 MR. FREEMAN: Well, may I continue? I suggest,
15 then, it is only reasonable that the prosecution be
16 required to inform the Court who is the writer and
17 where the material came from that is included in this
18 document.

19 THE PRESIDENT: I think they should endeavor
20 to tell us who the writer is.

21 MR. PARKINSON: We can at least attempt to
22 find out, your Honor.

23 THE PRESIDENT: Some effort should be made,
24 because without knowing who he is we may give it no
25 effect whatsoever. Here again I speak for myself only.

1 We will receive it for whatever probative
2 value it has.

3 DEPUTY CLERK OF THE COURT: Prosecution's
4 document 1685 will receive exhibit No. 270.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 270 for identification, and was received
8 in evidence.)

9 MR. PARKINSON: May I proceed to read, your
10 Honor?

11 THE PRESIDENT: You have not completed the
12 reading of the certificate yet.

13 MR. PARKINSON: (Reading) "I, E. E. Danly
14 hereby certify:

15 "1. That I am Chief of the Document Division of the
16 International Prosecution Section, GHQ, SCAP, and as
17 such have possession, custody, and control of original
18 or copies of captured enemy documents obtained by the
19 said section.

20 "2. That document No. 1685 was delivered to me from
21 the Japanese Home Ministry as being an original or
22 copy of an enemy document that had been captured or
23 obtained by military forces acting under the Supreme
24 Commander Allied Forces, and such document has been
25 continuously in my custody since such delivery.

"E. E. Danly."(Signature)

1 THE PRESIDENT: Having no certificate from
2 the Japanese Government you must satisfy us that on
3 its face as you received it it purports to be from
4 enemy sources. You can do that by reading only so
5 much of the document as constituted it when you
6 received it, omitting all subsequent additions.

7 MR. PARKINSON: We will now tender this
8 certificate as a part of exhibit 270.

9 THE PRESIDENT: I suppose the "Gist of
10 Talk by SATO" did not appear.

11 MR. PARKINSON: "Gist of Talk by SATO,
12 Kenryo--"

13 THE PRESIDENT: No, just read the document
14 as you received it from enemy sources so that we can
15 tell ourselves whether it purports to come from such
16 a source.

17 MR. PARKINSON: May I ask the indulgence of
18 the Court for a moment?

19 What we have, your Honor, is the original,
20 an original volume, in the Japanese language.

21 THE PRESIDENT: It is just as important to do
22 this as it is to read a certificate. The defense can
23 come to your aid if they wish and tell you they are
24 satisfied that what you read or will read was on the
25

1 document when you received it; but they are under no
2 obligation to do that.

3 MR. PARKINSON: I understand the defense
4 declines to come to the aid. For that reason--

5 THE PRESIDENT: Well, you will have to get a
6 Japanese translator alongside you to guide you.

7 MR. FREEMAN: If the Tribunal please, I regret
8 that I cannot come to the prosecution's aid. My
9 client says there are many statements in this document
10 that he did not make.

11 THE PRESIDENT: Well, you had better read what
12 you say was on the document when you received it and
13 let the defense correct you if necessary.
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1 MR. PARKINSON: If your Honor please, since
2 the question which has been raised involves reading
3 in Japanese, it may recur in the next several docu-
4 ments. It is necessary for me to have present, and
5 I have sent for one who speaks and reads Japanese
6 to enable me to proceed.

7 MR. BROOKS: With grave respect to the
8 Court --

9 THE PRESIDENT: Captain Brooks, I don't
10 think that at this stage you should make an object-
11 ion.

12 MR. BROOKS: I am not objecting --

13 THE PRESIDENT: This is a difficult matter,
14 and it would be better left to the prosecution and
15 the Court for the time being. Your rights are fully
16 reserved. After I have dealt with Mr. Parkinson,
17 you may state what you think about it or what you
18 ask the Court to do.

19 MR. BROOKS: I was going to --

20 THE PRESIDENT: Mr. Parkinson, will you
21 please get a translator?

22 MR. PARKINSON: I have sent for one, your
23 Honor.

24 THE PRESIDENT: I see three here. Would you
25 like to use the services of any of them?

1 MR. PARKINSON: Yes, sir, any one of them.

2 THE PRESIDENT: Major Moore and the two
3 gentlemen associated with him.

4 MR. BROOKS: If the Court please, that was
5 exactly what I was going to suggest, and I was not
6 going to object.

7 LANGUAGE ARBITER (Major Moore): If the
8 Court please, this document appears to us to be a
9 collection of documents relating to the settlement
10 of the China Incident, covering the period 16 Janu-
11 ary, 1938 to 30 December, 1939. It consists of
12 180 pages, handwritten and typed, on Home Ministry
13 stationery. Certain of the documents bear the seal
14 of the Security Section.

15 THE PRESIDENT: Can you find among the
16 180 pages anything which corresponds with this
17 exhibit No. 270?

18 LANGUAGE ARBITER (Major Moore): There is
19 one here, sir, of August 25, 1938. We are not pre-
20 pared at the moment to say that this is actually a
21 translation of this speech. From the title here
22 given we would presume that it is.

23 THE PRESIDENT: Do not make any presumptions.
24 Take exhibit No. 270, Major Moore, and see whether
25 the first ten lines are to be found among the 180

1 pages to which you referred.

2 LANGUAGE ARBITER (Major Moore): The
3 interpreter will read the first ten lines.

4 (Whereupon, the original document
5 in Japanese was handed to an official in-
6 terpreter who translated as follows:)

7 THE INTERPRETER: "Gist of a talk by
8 Colonel SATO, Kenryo, Chief of the Press Section of
9 the War Ministry, 25 of August, 1938, 29 of August,
10 1938, at the Extraordinary Conference of Chief of
11 Police of the Home Ministry.

12 "Colonel SATO's talk was given on two
13 occasions, and they are more or less the same; but,
14 as to the order and the contents, there are some
15 points on which differences may be found."

16 MR. BROOKS: He is reading from the wrong
17 one.

18 THE PRESIDENT: He is on the right one.
19 Please don't interrupt.

20 THE INTERPRETER (Continuing): "But, both
21 of them have been synthesized and included here.
22 The responsibility for the text rests upon the
23 reporter. Concerning the disposal -- concerning the
24 policy for the disposal of the incident -- in this
25 incident --"

1 LANGUAGE ARBITER (Major Moore): If your
2 Honor please, sir, we will read from the printed
3 text and we will follow the handwritten text. The
4 handwritten text is entirely too difficult to read
5 here on the spot.

6 THE PRESIDENT: I am satisfied, and my
7 colleagues think that it is sufficient evidence that
8 this purports to come from enemy sources and that
9 you may read now, Mr. Parkinson.

10 LANGUAGE ARBITER (Major Moore): If your
11 Honor please, the question has arisen whether we
12 should not read in Japanese what was read in Eng-
13 lish.

14 THE PRESIDENT: Yes, you should.
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1 MR. PARKINSON: (Reading):

2 "Gist of the Talk by SATO, Kenryo,
3 Chief of Press Section, War Ministry.

4 "Aug. 25 - Aug. 29, 1938,
5 At the temporary conference of Police
6 Bureau Chiefs in the Home Office.

7 "Two talks by SATO, Kenryo, are practically the same
8 except for a slight change in the contents and in the
9 order. Following is a collection of both talks. The
10 responsibility for the wordings of course is on the
11 writer.

12 "On the Policy in Dealing with the Chinese
13 Incident.

14 "Under the present incident, I believe,
15 there are many doubtful points in the government's
16 policies in coping with the incident to all the people
17 in positions to lead the public in regards to main-
18 taining peace and order in various districts and in
19 making the people understand the object of this af-
20 fair. I also believe that these people are not the
21 least dissatisfied from the point of executing their
22 duties. To this I am of the same opinion. The truth
23 is that the highest authorities themselves are not
24 very clear on this policy of dealing with the Chinese
25 Incident. The division commanders and brigade com-
manders also have asked me the same questions and
they, too, seem to hope for a definite policy.

1 "However, this is, in reality, a very dif-
2 ficult problem. In the case of the Sino-Japanese
3 War all we had to do was to repel the Chinese forces
4 from the Korean Peninsula, and in the Russo-Japanese
5 War all we had to do was to clean up the Russian in-
6 fluence from South Manchuria and to annihilate the
7 Russian troops. Both these wars had a very simple
8 object, but this present incident is quite different
9 and is very complicated.

10 "The present incident, in the first place,
11 has a very complicated and an always changing object.
12 Therefore, the objects of operations are not definite.
13 Even if the object is definite:

14 "1. Manipulation of troops for operations on the
15 continent.

16 "2. The abnormal conditions of China--without
17 the modern national system, she is like an
18 earthworm, for no matter how she is cut up,
19 each portion will continue its existence.

20 "3. Britain and Russia are in the back of China,
21 aiding her directly and indirectly, greatly
22 hampering our field of operations.

23 "At the time of the outbreak of the present
24 conflict in the Marco Polo Bridge incident in July
25 last year, Japan's attitude was to take the policy of

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24 conflict in the Marco Polo Bridge incident in July
25 last year, Japan's attitude was to take the policy of

1 settling the incident on the spot and not to spread
2 the hostilities. In spite of this, the Chinese have
3 not stopped their disturbances, repeatedly bringing
4 about the Kwan-an Gate Incident in Peking and the
5 Oyama Incident in Shanghai.

6 "Finally, our government, on August 15 at
7 1.30 a.m. had made a declaration to the world of our
8 intentions. The gist of the declaration is as fol-
9 lows:

10 "Japan, in the hope of establishing ever-
11 lasting peace in East Asia, has, for a long time,
12 strived for a friendly coalition between China and
13 Japan. However, the Nanking Government, overconfident
14 in her national power, and ignoring the true strength
15 of Japan, has come to cross swords with our country
16 in collaboration with the communistic influences by
17 taking an anti-Japanese stand and insulting our Empire.

18 "In recent years, the Chinese have provoked
19 repeated disgraceful incidents. This time they have
20 caused the outbreak of a disgraceful affair on the
21 banks of the Yung-King River. (Marco Polo Bridge
22 Incident), and they have ventured atrocious acts,
23 not to be tolerated by both mankind and God, upon
24 many Japanese residents in Tung-Chow. The lives and
25 properties of Japanese residents in Central and South

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21 banks of the Yung-King River. (Marco Polo Bridge
22 Incident), and they have ventured atrocious acts,
23 not to be tolerated by both mankind and God, upon
24 many Japanese residents in Tung-Chow. The lives and
25 properties of Japanese residents in Central and South

1 China have faced a grave crisis and our countrymen
2 have had to evacuate temporarily from their lands of
3 long years of peaceful living.

4 "However, Japan, through patience and self-
5 respect, has earnestly hoped not to spread the hos-
6 tilities, and has repeatedly implored the Nanking
7 Government in the hope of settling the incident on
8 the spot peacefully, to stop their acts of hostilities
9 and not to obstruct our intentions of settling the
10 affair. Without paying any heed they, on the contrary,
11 prepared arms against the Empire and finally bombed
12 our ship in Shanghai.

13 "The situation having come to this point,
14 Japan, unable to have patience any longer, responded
15 the bombing and in order to demand the Nanking Govern-
16 ment's reconsiderations, a definite measure has had
17 to be taken.

18 "And this measure is none other than to up-
19 root China's anti-Japanese activities and to do away
20 with the source of such disgraceful incidents, there-
21 by realizing the friendly coalition among the three
22 nations, Japan, China, and Manchukuo. Japan has no
23 territorial ambitions whatever, etc.'

24 "The above statement may be called a decla-
25 ration of war. Our motive at that time was not to

1 overthrow the government of China but to repel the
2 revolting army to demand the Nanking Government's
3 reconsiderations, and the operational object was in
4 the Chinese Army. This is an important point that is
5 different from the cases of the Sino-Japanese and
6 Russo-Japanese Wars.

7 "Thus, the motive of this incident has been
8 vague from the start. To demand the Nanking Govern-
9 ment's reconsiderations-----What if they shall not
10 reconsider no matter how long it takes?

11 "As a means of demanding their reconsidera-
12 tions it is a matter of importance that Japan will
13 make them understand her true strength by doing away
14 with the aid of the British and the Russian influence
15 in the back of China, to do away with the economic
16 aid of Britain and the military aid of Soviet Russia.
17 These two nations are similar to the Shira (Korean
18 State) working in the background of the Rebel Kumaso.

19 "As an operation at the time of the outbreak
20 of this incident, we were of the opinion that the mop-
21 ping up of the Peiping-Tientsin areas--an intermediate
22 between non-expansion and all out operation policies
23 --by striking a blow at the Chinese 29th Army and re-
24 pelling them to the south of the Yung-Ling River, the
25 problems of Chi-tung and Chi-sha would naturally be

1 settled.

2 "Therefore, the field of operation had to
3 be expanded and our troops penetrated ---- and then
4 to Shanghai and to the fall of Nanking. Then there
5 was the miraculous landing at (blank) by the Yano-
6 gawa Forces.

7 "In speaking a little of our preparation
8 for war, all the ammunition we had in preparation
9 for a possible war with Russia was exhausted by the
10 time of the fall of Shanghai in the attack of (blank).
11 Huge expense is necessary in a war for war supplies--
12 especially for ammunition and airplanes. Moreover,
13 airplanes are good for only about a year. It is an
14 assemblance of the essence of science in the highest
15 degree and is always necessary to have the most super-
16 ior equipment and highest power. Ammunition, again,
17 not only takes up the highest expenditures in wars
18 but the period of efficiency needs very close atten-
19 tion. There is no example where any country in the
20 world has declared a war with perfect preparation in
21 ammunition. This ammunition ran short for a time in
22 the battle of Shanghai, causing our men to face a
23 grave danger. This, of course, may have been partly
24 because they were scattered in various areas for the
25 sake of operations. At present the war production

1 power has been expanded and there is no such necessity,
2 but after we have started a war we must never forget
3 to be prepared against Soviet Russia. We can never
4 tell when an all out war with Russia might break out
5 like the Chang-ku-feng incident. It is a tabooed thing
6 to be pessimistic by believing the so called Russian
7 attitude toward Japan--that of non-aggression. When
8 we put into consideration the possible war with Rus-
9 sia, our war production at the present is extremely
10 inadequate. On the other hand, we are being troubled
11 by problems pertaining to foreign exchange and import
12 of goods.

13 "Next, I wish to speak to you on Japan's
14 statement of January 16. Based on Japan's statement
15 of August 15, as I have related before, Foreign Minis-
16 ter Hirota, with the view to let Chiang Kai Shek sur-
17 render, had proposed the German Ambassador to mediate,
18 and expressed our intentions of desiring peace in the
19 event that China will join hands with Japan and Man-
20 chukuo in an anti-communist front. Thereupon, in the
21 latter part of November, the German Ambassador asked
22 Hirota in reply, 'The Chinese side seems desirous of
23 agreeing to Japan's proposal. Is there any change in
24 the proposal?'

25 "The first negotiation between the German

1 Ambassador and Hirota was in the latter part of August,
2 before the fall of Lo-tien-chen; and now it was the
3 latter part of November, just before the fall of Nan-
4 king. At this day when there had already been a great
5 change in the situation, it was obvious that it was
6 impossible to go into negotiations based upon the for-
7 mer conditions.

8 "Thus, after all, it was the 22nd of Dec-
9 ember when Hirota made the following reply to the
10 German Ambassador: 'At this time when there has been
11 a great change in the situation, it is not possible
12 to make the conditions agreed by the Chinese the basic
13 conditions for a truce any longer. If the Chinese
14 side will generally agree on the following terms, we
15 shall be ready to go directly into negotiations. If
16 the Chinese side should act contrary we shall have to
17 deal with the incident from a new standpoint, etc.'

18 "Terms.

- 19 "1. China shall abandon her pro-communist and anti-
20 Japanese policies, and collaborate with both
21 Japan and Manchukuo in an anti-communist policy.
22 "2. Demilitarized areas shall be established in neces-
23 sary regions, and special organs (wide-scale free
24 government system) shall be set up in the said
25 areas.

1 "3. A close economic treaty shall be concluded among
2 the three nations, Japan, Manchukuo, and China.

3 "4. China shall make necessary reparations to Japan.

4 "Then we demanded a reply by the end of the
5 year, and also to dispatch a delegation either to
6 Japan proper or to Shanghai for the purpose of truce
7 negotiations based upon the above terms.

8 "Of course, we had a feeling that the reply
9 may be prolonged until about the 10th of January.
10 The details of the above basic terms our government
11 had in preparation are as follows:

12 "Details.

13 "1. China shall formally recognize the government
14 of Manchukuo.

15 "2. China shall abandon her anti-Japanese and anti-
16 Manchurian policies.

17 "3. China shall establish special areas in North
18 China and Inner Mongolia.

19 "A. Proper organs shall be set up in North China
20 for the realization of co-existence and co-
21 prosperity for Japan, Manchukuo, and China.
22 This organ shall be given wide powers and
23 shall specially strive for the realization
24 of economic coalition among the three coun-
25 tries.

- 1 "B. An anti-communist self-government shall be
2 established in Inner Mongolia. Its interna-
3 tional position shall be the same as that of
4 Outer Mongolia.
- 5 "4. An anti-communist policy shall be established,
6 and China shall cooperate with Japan and Manchu-
7 kuo in the execution of the same policy.
- 8 "5. Demilitarized areas shall be established in occu-
9 pied territories of central China. China and Ja-
10 pan shall cooperate in the maintenance of peace
11 and order in Shanghai and in its economic deve-
12 lopment.
- 13 "6. Japan, Manchukuo, and China shall conclude neces-
14 sary agreements on customs duties, trade, air de-
15 fense, transportation, and communications in
16 connection with the development of natural re-
17 sources.
- 18 "7. China shall pay indemnity to Japan. (There are
19 oppositions within our circles).
- 20 "8. China shall recognize the stationing of Japanese
21 troops for necessary terms in designated areas
22 in North China, Inner Mongolia and Central China
23 for the purpose of security.
- 24 "9. Truce treaty shall not be negotiated until after
25 the above agreement shall have been concluded.

1 "Had China executed the above details faith-
2 fully, our government had secret intentions to cancel
3 the article on stationing of troops for security and
4 to cooperate and aid in the development of China. I
5 believe you all are very indignant of such lukewarm
6 terms and details. There has been a same tendency in
7 the Diet meetings."

8 THE PRESIDENT: We will recess now until
9 one-thrity.

10 (Whereupon a recess was taken.)

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AFTERNOON SESSION

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Parkinson.

MR. PARKINSON: I had just concluded the reading of the final paragraph on page 4.

(Reading):

"Thus it was January but there was no reply to the above principles from China, even delegates had not been dispatched, and there was no sincerity at all. Within the circles of our government there had been, from the end of the year, suggestions to appeal for a conference before the Imperial presence, which resulted in the Imperial Conference of January 11. I understand that the Emperor had decided to go into a prolonged endurance war should the Chinese give up.

"Thus, on about the 14th of January, the Chinese side is said to have replied to the following effect:

"'China is ready to start peace negotiations but the terms proposed by Japan are too abstract and it is difficult for us to reply.' etc.

1 "Then, you may say, what if we shall
2 submit the above details. But such is not the
3 best policy; it is only when the terms are abstract
4 that there is any value or necessity of conferring
5 and negotiating.

6 "Such was the development, and finally,
7 on January 16, a statement was issued. This state-
8 ment, I believe, should have been issued by the end
9 of the year, before the fall of Nanking.

10 "Two reasons why the fall of Nanking --
11 the fall of the enemy's capital -- did not have
12 the anticipated effect upon foreign countries
13 were the bombing of the gunboat Panay, and the
14 lateness in issuing the above statement. One
15 reason why the statement was late is because there
16 was an opposition in opinion, within the Army, on
17 the China policy and the Konoye Cabinet, for a
18 time, was about to fall.

19 "Since there was no sincerity on the part
20 of the Chinese, as has been related above, the
21 Army considered it the major factor to overthrow
22 the Chiang Regime first of all. And in order to
23 do this, plotting should be proceeded within the
24 occupied areas..

25 "In the first place, unlike the Sino-

1 Japanese and Russo-Japanese Wars, this incident
2 is not a war based chiefly on military operations,
3 but should be a war based chiefly on political
4 expeditions.

5 "Therefore, the schemes in the occupied
6 areas -- the establishment of a rising political
7 regime were planned to be carried out after the
8 fall of Nanking last fall by having WANG-KO-MIN
9 set up a regime in North China.

10 "In general, the influential persons
11 of China were of the opinion that if Japan will
12 strive to overthrow Chiang Kai-shek to the last
13 they should be obliged to rise and take a hand
14 in the rising government. If, however, Japan
15 will compromise with Chiang, they should only be
16 killed for treason. So, they would not readily
17 decide until Japan will show a definite attitude
18 never to compromise with Chiang Kai-shek,

19 "I agree with them on this point, and
20 this is one reason why it was necessary for Japan
21 to clarify her basic principle on China.

22 "This resulted in the statement of January
23 16, which had not been so clear. What was announced
24 with the intention of making necessary explanations
25 afterward in the form of talks by the Chief Cabinet

1 Secretary, resulted in awkwardness as to be called
2 lacking in distinctness.

3 "The principles of the statement, in the
4 first place, had been deliberated upon for about a
5 month by one chief official from the Foreign Office,
6 War Ministry and Navy Ministry respectively. After
7 forecasting what attitude Chiang Kai-shek will take
8 toward Japan after Japan will have renounced the
9 central government of the Chiang Regime, the state-
10 ment at that time, had stated plainly our measures
11 against him. However, a part of the above state-
12 ment had been cancelled at the cabinet meeting for
13 the reason that it was too long, resulting in an
14 important conclusion as follows:

15 "The Statement.

16 "The Imperial Government has tried till
17 this day to give the Chinese Kuomintang Government
18 a last chance for retrospection even after the fall
19 of Nanking.

20 "However, the Kuomintang Government, not
21 understanding our true intentions, stubbornly schemed
22 hostilities toward Japan. Disregarding the people's
23 sufferings from distress, China has no intentions
24 to reflect upon establishing peace in all areas of
25 East Asia.

1 "Therefore, the Imperial Government shall
2 not deal with the Kuomintang Government hereafter.
3 We shall hope for the establishment and development
4 of a new government that will truly collaborate with
5 Japan, and by adjusting our relations we shall co-
6 operate with that government for the establishment
7 of a renovated China.

8 "Japan, of course, shall continue to re-
9 spect the territory and sovereignty of China and
10 the rights and interests of the Powers in China.
11 Japan is now charged with a great responsibility
12 of peace in East Asia. The Government implores
13 the people to put every effort in the execution
14 of this important duty.

15 "End

16 "Above is the full text of the statement.

17 "Following is the outline:

18 "1. Non-recognition of the Chiang Kai-shek Regime
19 as the central Government of China. In other words,
20 it means that Japan will not deal with the Chiang
21 Regime in a general truce negotiation.

22 "2. Establishment of a new government. Japan shall
23 give all out support for this government.

24 "However, this is improper because it has
25 not clarified our attitude to be taken in the event

1 the Hankow Government, or in other words Chiang Kai-
2 shek should surrender, no matter under what conditions."
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1 "This, as I have previously related, had
2 been stated in the draft. In any event, if the pre-
3 sent Hankow Government should surrender, it will, of
4 course, not be proper to deal with this government;
5 but is it not possible to deal with them as a pro-Ja-
6 panese district government? This should be deliber-
7 ated upon at the Five Ministers Conference.

8 "Moreover, the statement 'Japan shall not
9 deal with the Kuomintang Government hereafter' had
10 originally been proposed by the Army and it had been
11 'Japan shall not recognize the Chiang Regime as the
12 Central Government hereafter--in the draft.' This was
13 changed because of opposition by the Foreign Office,
14 The draft by the Foreign Office had been, 'The Kuo-
15 mintang Government, separated from the capital of Nan-
16 king, is recognized to have lost its powers. There-
17 fore, Japan shall not deal with this government in
18 the settlement of the incident'.

19 "Concerning the effect of the statement on
20 the Chinese side, the Chinese have declared their
21 attitude by saying, 'The reply to Japan does not mean
22 that China is trying to evade peace negotiations. Our
23 government has discussed the terms proposed by Japan,
24 but since there are foreign rights and interests in
25 China things are very complicated, and we have only

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2 been stated in the draft. In any event, if the pre-
3 sent Hankow Government should surrender, it will, of
4 course, not be proper to deal with this government;
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20 the Chinese side, the Chinese have declared their
21 attitude by saying, 'The reply to Japan does not mean
22 that China is trying to evade peace negotiations. Our
23 government has discussed the terms proposed by Japan,
24 but since there are foreign rights and interests in
25 China things are very complicated, and we have only

1 asked Japan for more complete terms. Peace with Ja-
2 pan is what we hope for, etc.' I believe this to be
3 China's scheme to guide her foreign policy on an ad-
4 vantageous line hereafter.

5 "Now I would like to deliberate on the fu-
6 ture after the fall of Hankow. There is nothing so
7 difficult to forecast and so uncertain. None had
8 thought, at about this time last year, that we would
9 even send troops to seize Hankow. This may not be
10 called a forecast, but it will not be very long be-
11 fore the major operations will come to a conclusion.
12 However, this does not, at all, mean the conclusion
13 of this incident.

14 "Next will be the problem of forecasting
15 whether Chiang Kai Shek will surrender or not after
16 the fall of Hankow, and our attitude in dealing with
17 this.

18 "1. In case the Hankow Government does not surrender
19 it will be called an anti-Japanese district govern-
20 ment; but it is a question whether we should pur-
21 sue them indefinitely and give them the finishing
22 blow.

23 "2. In case of surrender--surrender shall mean that
24 Chiang Kai Shek will bow unconditionally and
25 therefore China shall abandon her pro-communist

1 and anti-Japanese policies, and of course, parti-
2 cipate in an anti-communist front with Japan.

3 In this case, what ways and means shall be taken
4 in uniting the new pro-Japanese government to be
5 established in Hankow and the existing pro-Japan-
6 ese regime in North and Central China? An auto-
7 nomous government of federated provinces may be
8 set up, or a powerful regime capable of includ-
9 ing such a government may be established, and
10 there are various other forms that may be consi-
11 dered. Anyway, the time will be ripe after the
12 fall of Hankow, for establishing a central govern-
13 ment, which should be centered around a charac-
14 ter capable of winning the confidence of central
15 and South China and to be popular with all of
16 China. Unlike the case of Manchukuo, no govern-
17 ment office will be taken by a Japanese, and Japan
18 will do her utmost in the role of leadership.

19 (This is the general outline decided at the cabin-
20 et meeting last fall).

21 "Japan's government administration in North
22 and Central China will be to put North China completely
23 under Japan's control--to the same degree as Manchukuo
24 --forming a defense area for Japan, China, and Manchu-
25 kuo, and it will be necessary to develop the resources

1 in this area for national defense.

2 "Central China will be less important than
3 North China, but will form an important base for the
4 development of Japan's economic power. So it will be
5 necessary to first secure our purpose in North China.

6 "Inner Mongolia will be the same as North
7 China in that it forms an anti-Communist area and it
8 will be necessary for this region to have a self-
9 governing organ. So naturally our troops will be
10 stationed in necessary areas to cooperate with the
11 armed organizations of China--peace maintenance troops
12 --in the maintenance of peace and order. The unmil-
13 itarized zone is established because bandits are al-
14 ways rampant in China. It is, of course, necessary
15 to secure Inner Mongolia in preparation for a war
16 with Russia, but it will be disadvantageous for Ja-
17 pan to provoke a war on her now. This is because we
18 shall have to divide our troops in the North and the
19 South to attack both China and Russia. If, however,
20 a war with Russia is unavoidable, it will be necessary
21 for Japan to select a proper chance after her armament
22 and production shall have been expanded--this should
23 be after Showa 17 (1941).

24 "This concerns with foreign policy, but we
25 shall recognize the rights and interest of Britain

1 to a certain degree and have her cut all relations
2 with Chiang Kai Shek, and it is most important that
3 we further strengthen our anti-Comintern Pact with
4 Germany and Italy.

5 "The next most important thing is the pro-
6 blem of renovation within our government in prepara-
7 tion for the execution of the so-called continental
8 policy against China. For Japan, who has started the
9 management of Manchuria, to make an advancement into
10 continental China, it will necessitate the rousing
11 of redoubled effort on the part of our people. One
12 reason why our country has originally been unsucces-
13 ful in colonial policies lies in the lack of national
14 strength, especially in the power of production.
15 This recent example could be seen in South Manchuria.
16 Japan, at that time, being unable to completely manage
17 this area, finally had to come to the Manchurian Inci-
18 dent, which all accounts to the lack of productive
19 power.

20 "What was the consequence of the Siberian
21 Expedition--the advancement of our troops to the
22 Baikal? This, too, resulted in the same manner.

23 "The change of industrial management--from
24 free to controlled--must not be a temporary phenomenon.
25 It will be absolutely impossible to attain our purpose

1 in our racial development through free economics.
2 All this could be attained only through the enforce-
3 ment of the general national mobilization law.

4 "My discussion will wander from the subject,
5 but we would have been extremely advantageous in our
6 operations had we put the general mobilization law
7 into motion six months before the outbreak of hosti-
8 lities in the present incident.

9 "Of course, this was in reality a matter
10 of impossibility. In the Russo-Japanese War, our
11 people, soon after the Sino-Japanese War, had already
12 been determined that a war with Russia was inevitable.
13 A veteran lieutenant-colonel, (Officer in charge of
14 mobilization in the War Ministry), had already de-
15 clared in June, 1903 (Meiji 36) (six months ahead of
16 the declaration of war), the necessity of putting
17 into a motion a law similar in content to the present
18 national mobilization law. I perfectly approve of
19 this action.

20 "In the present incident, an Imperial Or-
21 dinance pertaining to the enforcement of part of the
22 national mobilization law was promulgated in August
23 last year. At that time the organs of the Natural
24 Resources Bureau (not the executive organs) had been
25 incomplete, and on top of this, there had been a mis-

1 understanding between the Planning Board, and finally
2 resulted in the establishment of a joint organ on
3 October 25. Therefore an industrial mobilization
4 law was passed at the temporary Diet Session in Sep-
5 tember, and in January of this year a factory super-
6 vision law was at last issued. This all goes to show
7 how slow our government activities are.

8 "Now we shall come back to our main subject.
9 There is still the necessity in our country to reno-
10 vate the organs of our government as well as the poli-
11 tical party problems and the National Spirit Mobiliza-
12 tion Central Alliance, etc. These may be achieved
13 only through the Pan-Asiatic Movement, (racial move-
14 ment), and it will be of vital importance in guiding
15 our younger generation.

16 "Then in February this year an article had
17 been published in newspapers about the returning home
18 of relieved soldiers. It is true that some soldiers
19 had been sent home. But to give you the facts, there
20 had been gradual mobilizations after that, and it
21 seems that rumors had been rampant that this was in
22 preparation for a war with Russia. I would like to
23 say a word on this point.

24 "To put oppression upon the Chinese in suc-
25 cession would only result in strengthening their de-

1 termination, so the Army decided it the best policy
2 to contemplate a while after the fall of each city
3 to give the Chinese a chance for internal corruption.
4 Therefore, a part of the reserves and second reserves
5 were sent home; but since then, it was necessary to
6 change the plans of operation so naturally this had
7 to be stopped. This had some relation with the es-
8 tablishment of the new regime declared in the state-
9 ment of January 16.

10 "The pro-Japanese Governments are located
11 in North and Central China, but communications be-
12 tween these two are cut off at Suchow, a strategic
13 point on the Tientsin-Pukow railway line, which makes
14 things utterly inconvenient. In order to secure con-
15 victions, therefore, the unexpected attack on Suchow
16 began. On one hand, the difference between the
17 Chiang Government and the pro-Japanese Government is
18 so incomparably great that one of these strategic
19 points had to be secured for dealing a blow on the
20 Chiang Government. On the other hand, we became pres-
21 sed with the necessity of strengthening the pro-Japan-
22 ese Government. Thus, contrary to expectations, it
23 became necessary to use a large number of troops.
24 Naturally, as previously stated, there had to be a
25 change in plans regarding the question of relieving

1 troops.

2 "Lastly, I wish to say something regarding
3 the rumors concerning peace negotiations. There are
4 rumors going around at large that England, Germany,
5 etc. are going to mediate between Japan and China.
6 However, as previously related, the fundamental atti-
7 tude of our Empire toward the Incident is as indicated
8 in the January 16 declaration. Regarding the circum-
9 stances which gave rise to these, it seems that dur-
10 ing the period covering the tenth semi-annual term
11 (January, March, and in April), figures clearly show-
12 ed a letdown in trade, (the estimated imports amount-
13 ing to ¥ 3,000,000,000 had to be reduced to something
14 like ¥ 2,500,000,000), while intensification of econ-
15 omic control became necessary, this being eventually
16 carried out, and then of course the fact that the Ca-
17 binet members, UGAKI and IKEDA are seriously concern-
18 ed regarding the opening of peace negotiations--
19 these it seems have been the causes for such rumors,
20 but so far as I am concerned, these have to be confirmed.

21 "Our country will still, hereafter, require
22 a fairly huge budget. We must surmount the difficul-
23 ties, though of course we must be prepared for an
24 increase in military supplies, and I think this is
25 not the place to take up the question of negotiating

1 for peace.

2 "Recently, Chiang Kai-Shek has sent a cer-
3 tain person to Japan to 'feel out' possibilities for
4 peace negotiations. And it seems that this man is
5 conducting work with the details of the peace condi-
6 tions mentioned previously as the basis for his ne-
7 gotiations.

8 "Regarding his attitude, I have heard that
9 China: (1) will abandon its anti-Japanese policy;
10 (2) will substantially recognize Manchuria; (3) will
11 recognize the self-government of Inner Mongolia; (4)
12 is against the establishment of demilitarized zones
13 in North and South China; (5) is against stationing
14 of troops in China by Japan; (6) is against immediate
15 participation in the anti-Communist Pact; (7) is in
16 favor of an anti-communist policy; (8) approves
17 severing relations with the Communist Party; (9)
18 would like to be pardoned from paying an indemnity;
19 (10) is for economic development; and (11) Chiang
20 Kai-Shek will retire from public life following recon-
21 ciliations.

22 "According to what I have heard, China's
23 attitude is as stated above. Of course, I don't know
24 the real facts, but China evades what Japan specific-
25 ally aims at. Moreover, it is asking too much to try

1 to bring about an agreement based on the Chinese
2 ideas listed above just when Hankow is about to be
3 stormed. Of course, our Cabinet Conference will not
4 lend them an ear.

5 "Lastly, I wish to reiterate that our fun-
6 damental attitude towards the Incident is found in
7 the declaration of January 16. There has been an
8 alteration since the declaration of 15 August, last
9 year. Hereafter, also, it will be difficult to say
10 that there will absolutely not be any more altera-
11 tions, depending on the changes in the situation.
12 However, I think that the point regarding the estab-
13 lishment of a new regime is something that should re-
14 main absolutely immovable."

1 MR. FREEMAN: If the Tribunal please, with
2 the Court's permission I would like for Major Moore
3 to state whether or not the document from which these
4 extractions were taken has an official seal.

5 THE PRESIDENT: Until it is proved other-
6 wise, we will assume that it has no official seal.

7 MR. PARKINSON: I now offer into evidence
8 prosecution's document No. IPS 1093. This document
9 is entitled, "Matter of Termination of Cooperative
10 Relations between the Japanese Empire and Various
11 Organs of the League of Nations."

12 THE PRESIDENT: Have you a certificate for
13 this?

14 MR. PARKINSON: The certificate which I have
15 is one signed by Mr. Danly.

16 THE PRESIDENT: If the prosecution can give
17 certificates, why not the defense?

18 MR. PARKINSON: Perhaps they could if they
19 could obtain them similarly.

20 THE PRESIDENT: Are you prepared to agree
21 with them that you will accept their certificates if
22 they take yours? I am sure you are not. You have got
23 to prove, in the case of every document, a certificate,
24 or failing that, that it comes from the Japanese
25 Government.

1 MR. PARKINSON: In this case, your Honor,
2 I was about to quote from the face of the instrument
3 itself in connection with the certificate of Mr. Danly.
4 In other words, the original is in Japanese and the
5 Japanese document states the title as mentioned, and
6 it is dated 2 November 1938, Minutes of the Privy
7 Council Meetings.

8 THE PRESIDENT: That is sufficient for the
9 time being. Have you tendered this? It is admitted
10 on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 1093 will obtain exhibit number 271.

13 (Whereupon, prosecution's exhibit No.
14 271 was received in evidence.)

15 MR. PARKINSON (Reading): "The Matter of the
16 Termination of Co-operative Relations Between the
17 Japanese Empire and Various Organs of the League of
18 Nations. 2 November 1938. Minutes of the Meeting.
19 The Minutes of the Privy Council. 1. The matter of
20 the termination of co-operative relations between the
21 Japanese Empire and various organs of the League of
22 Nations. 2 November 1938. Wednesday Meeting opened
23 at 1008 hours, in the presence of His Majesty the
24 Emperor. Members present: President HIRANUMA,
25 Vice-President HARA. Ministers of State: Prime Minister

1 KONOYE, Minister of the Navy, YONAI, Minister
2 of Justice SHIONO, Minister of Education ARAKI,
3 Minister of Communications NAGAI, Minister of
4 Agriculture and Forestry ARIMA, Minister of Rail-
5 ways NAKAJIMA, Minister of Welfare KIDO, Minister
6 of Home Affairs SUETSUGU, Minister of War ITAGAKI,
7 Minister of Overseas Affairs HATTA, Minister of
8 Foreign Affairs ARITA.

9 "Privy Councilors:

10 "Privy Councilor KANEKO, Privy Councilor SAKURAI,
11 Privy Councilor KAWAI, Privy Councilor ISHII, Privy
12 Councilor ARIMA, Privy Councilor KUBOTA, Privy
13 Councilor SUZUKI, Privy Councilor ISHIZUKA, Privy
14 Councilor SHIMIZU, Privy Councilor FUJISAWA, Privy
15 Councilor HAYASHI, Privy Councilor MINAMI, Privy
16 Councilor TANAKA, Privy Councilor NARA, Privy
17 Councilor ARAKI, Privy Councilor MATSUI, Privy
18 Councilor SUGAWARA, Privy Councilor MATSUURA

19 "Absentees:

20 "Imperial Princes:

21 "Prince YASUHITO, Prince NOBUHITO, Prince TAKAHITO,
22 Prince KOTOHITO,

23 "Ministers of State:

24 "Minister of Finance, Minister of Commerce and
25 Industry IKEDA.

1 "Privy Councilors:

2 "Privy Councilor KURODA, Privy Councilor SUZUKI,
3 Kantaro.

4 "Committees:

5 "The Director of the Bureau of Legislation FUNADA,
6 The Councilor of the Bureau of Legislation MORIYAMA,
7 Director of the Bureau of Treaties, of the Ministry
8 of Foreign Affairs MITANI, Vice-Minister of Public
9 Welfare HIROSE, Director of the Board of Health,
10 Ministry of Public Welfare HAYASHI, Director of the
11 Board of Labor, Ministry of Public Welfare NARITA.

12 "Reporter:

13 "Director of the Investigation Committee HARA.

14 "Chief Secretary:

15 "Chief Secretary MURAKAMI.

16 "Secretaries:

17 "Secretary HORIE.

18 "The President (HIRANUMA) announced the
19 opening of the meeting.

20 "The subject of discussion was to be: The
21 Matter of the Termination of Co-operative Relations
22 Between the Japanese Empire and Various Organs of
23 the League of Nations.

24 "Dispensing with the recitation of the
25 first reading pertaining to the topic for dis-

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19 opening of the meeting.

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21 Matter of the Termination of Co-operative Relations
22 Between the Japanese Empire and Various Organs of
23 the League of Nations.

24 "Dispensing with the recitation of the
25 first reading pertaining to the topic for dis-

1 cussion, an immediate request was made for the
2 report of the Director of the Investigation Com-
3 mittee.

4 "Reporter HARA:

5 "In conjunction with the matter of the
6 termination of co-operative relations between the
7 Japanese Empire and various organs of the League
8 of Nations which has been recently referred to the
9 Privy Council for consultation, the establishment
10 of an investigation committee has been ordered. In
11 a committee meeting which was opened on 27 October,
12 after hearing the expositions given by the Minister
13 of State and various officials concerned, the committee
14 continued its deliberations.

15 "The Japanese Empire had already notified
16 the League of Nations of its withdrawal in March,
17 1933. Although two years had passed before the
18 withdrawal of the Japanese Empire from the League
19 of Nations was formally recognized, the Japanese
20 Government has, since then, willingly continued
21 to co-operate in the various peaceful and humane
22 undertakings of the League in compliance with the
23 aims of the Imperial Rescript which was promulgated
24 at the time of the withdrawal notice.

25 "At the present time, government . -

1 representatives, or individuals in a private capacity,
2 are participating in the League's Permanent Mandates
3 Commission Advisory Commission on Traffic in Opium,
4 Central Opium Commission, Advisory Commission on
5 Social Problems, Joint Commission on Arts and
6 Sciences, Economic Commission, Health Commission,
7 and Oriental Epidemic Information Bureau. They
8 were also affiliated with the International Labor
9 Office and participated in the organization of the
10 International Court of Justice. They also partic-
11 ipated in the General Disarmament Conference and
12 in the World Economic Conferences which are both
13 sponsored by the League of Nations.

14 "However, wht the outbreak of the Sino-
15 Japanese Incident, CHINA presented a formal appeal
16 to the League of Nations on 12 Sep 37. Since then,
17 the Assembly and the Council of the League, influ-
18 enced by CHINA's activities, resolved that the
19 actions of the Japanese Empire against CHINA are
20 direct violations of the Nine Power Treaty con-
21 cerning CHINA and the Anti-War Pact.

22 "Not only has the League promised moral
23 support to CHINA, but she has also encouraged every
24 nation in the League to give individual assistance
25 to CHINA. Furthermore, it has been charged that the

1 representatives, or individuals in a private capacity,
2 are participating in the League's Permanent Mandates
3 Commission Advisory Commission on Traffic in Opium,
4 Central Opium Commission, Advisory Commission on
5 Social Problems, Joint Commission on Arts and
6 Sciences, Economic Commission, Health Commission,
7 and Oriental Epidemic Information Bureau. They
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18 enced by CHINA's activities, resolved that the
19 actions of the Japanese Empire against CHINA are
20 direct violations of the Nine Power Treaty con-
21 cerning CHINA and the Anti-War Pact.

22 "Not only has the League promised moral
23 support to CHINA, but she has also encouraged every
24 nation in the League to give individual assistance
25 to CHINA. Furthermore, it has been charged that the

1 Japanese forces bombed defenseless cities and
2 utilized poison gas. The League adopted various
3 resolutions which were intended to censure the
4 Japanese Empire. However, the effect of these
5 resolutions on the Japanese Empire was insignif-
6 icant because of the indifferent attitude of the
7 various countries and the impotency of the League
8 itself. As a result, CHINA took full advantage
9 of the full session of the Assembly of the League
10 and intensified the anti-Japanese and help-CHINA
11 sentiment. Employing the League's power of col-
12 lective pressure, CHINA tried her utmost to restrain
13 the Japanese Empire.

14 "Finally, in compliance with CHINA's
15 request, the council made the stipulations of the
16 17th Article of the Covenant, applicable to the Sino-
17 Japanese Incident; specifically, for the settlement
18 of disputes, nations which are non-members of the
19 League will bear the same responsibilities as
20 nations which are members of the League. In
21 accordance with paragraph One of the same article,
22 an invitation was received by the Japanese Empire.
23 On 30 Sep 38, after the Japanese Government, in
24 conformity with its policy, refused the invitation,
25 the Council, in accordance with Paragraph Three of

1 the same article, adopted a resolution whereby each
2 member of the League would be able to adopt sanctions
3 against the Japanese Empire individually as provided
4 in the 16th Article of the League Covenant. The
5 decisions of the Council entrusts the exercise
6 of sanctions to the various nations. There are
7 several countries such as POLAND, BELGIUM, and
8 PERU which have notified the Japanese Empire that
9 they have no intention whatsoever of executing
10 sanctions against it at the present time. Although
11 it is not expected that the actual application of
12 these sanctions will take place, as long as the
13 decision of the Council stands as it is, the
14 Japanese Empire and the League of Nations will be
15 in complete opposition to each other. Consequently,
16 from the standpoint of national honor, the further
17 co-operation of the Japanese Empire with the various
18 organs of the League of Nations cannot be tolerated.
19 Because the Empire will suffer the contempt of
20 all the nations of the world, a plan for the
21 settlement of this matter of the termination of
22 co-operative relations between the Japanese Empire
23 and the various organs of the League, after our
24 withdrawal from the League, has been drawn up and
25 is the subject for discussion in this session.

1 "Then the Imperial sanction is obtained, the
2 Director of the Board of General Affairs of the Inter-
3 national Council will notify the Secretary-General of
4 the League of Nations of this resolve. Of those per-
5 sons participating in the functions of the various
6 organs of the League, the posts of those with a govern-
7 ment representative status will be terminated, and those
8 in a private capacity will resign of their own free
9 will. Payments to the League of JAPAN's share of the
10 expenses for the various League organs will be discon-
11 tinued hereafter. Those who have held positions as
12 League personnel will be allowed to act on their own
13 volition.

14 "Insofar as the mandatory rule of the SOUTH
15 SEAS ISLANDS by the Japanese Empire is concerned; re-
16 gardless of any influence the withdrawal of the Empire
17 from the League may have, we will always continue this
18 mandatory rule in accordance with the 22nd Article of
19 the League Covenant and the Mandatory Rule Article.
20 The measures we have adopted in this matter do not
21 have any relationship to this mandatory rule status.
22 Consequently, in accordance with Paragraph Seven,
23 Article 22 of the League Covenant, the annual report
24 to the League Council will be made as usual. Hereafter,
25

1 government representatives will not attend the sessions
2 of the Permanent Mandates Commission which is an organ
3 of the League. The participation of Japanese com-
4 mittees in this Assembly is also to be discontinued.

5 "After having taken such actions on this
6 matter, the Imperial Government will discontinue its
7 participation in international enterprises which are
8 carried out through the League of Nations. In com-
9 pliance with the Imperial Edict which has already been
10 promulgated, we will co-operate in the various plans
11 for world peace. There will be no deviations in our
12 policy of participating in international enterprises
13 which have as their object the public peace and well-
14 being of mankind. For this reason, the Ministers of
15 State have made it clear to us that we must not be
16 negligent in taking appropriate steps towards this aim
17 through diplomatic channels other than those of the
18 League of Nations.

19 "The point is that the Council of the League
20 of Nations has permitted the sanctions against the
21 Japanese Empire under Article 16 of the League
22 Covenant based on CHINA's request and therefore, co-
23 operative relations between the Empire and various
24 League organs which have existed even after our with-
25 drawal from the League, will now be terminated. In

1 spite of the fact that the Japanese Empire withdrew
2 from the League of Nations for the purpose of con-
3 tributing towards world peace, it is very regrettable
4 that it has become necessary at this time to sever co-
5 operative relations with the various League organs.
6 However, we believe that there is no alternative,
7 considering the conflict in its relationship to the
8 League and to the Japanese Empire. His Majesty's
9 wishes, which were set forth in the Imperial Rescript
10 promulgated at the time the Japanese Empire withdrew
11 from the League, will not change with every change in
12 the international political situation. Government
13 authorities will always abide by this, His Majesty's
14 wishes, and give careful consideration to carrying out
15 measures concerning this matter. Naturally, we will
16 still endeavor to co-operate in various peaceful and
17 humane international undertakings through diplomatic
18 channels other than those of the League of Nations.

19 "Having put our faith in the statements
20 of the government officials and expecting their
21 assiduous efforts in this matter, the Investigation
22 Committee has unanimously passed the resolution.

23 "The foregoing is the report of the
24 Investigation Committee.
25

1 "President of the Council HIRANUMA:

2 "If there is nothing further to discuss,
3 we will omit the second and subsequent readings, and
4 take a vote immediately. All those in favor of this
5 bill will please rise. (All members rise.)

6 "Council President HIRANUMA:

7 "It has been passed unanimously. The meeting
8 is adjourned for today.

9 "The Emperor withdraws.

10 "Meeting adjourned 1020 hours.

11 "(Signed) Council President
12 Baron HIRANUMA
13 Chief Secretary
MURAKAMI

14 "Secretaries:

15 HORIE
16 TAKATSUJI"
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1 MR. T. OKAMOTO: I wish to say a few words
2 for the record. In exhibit number 271 there is a
3 name among the Privy Counsellors, MINAMI. This is
4 MINAMI, Hiroshi, and not the accused MINAMI, Jiro.

5 THE PRESIDENT: We have noticed it is not
6 MINAMI, Jiro.

7 Dr. KIYOSE.

8 DR. KIYOSE: I wish to state a few words
9 with respect to Exhibit 269 which was read in Court
10 this morning. This exhibit is formed from two sepa-
11 rate records, one of which relates to the report
12 made to the Throne by Foreign Minister UGAKI; the
13 other is material of a report made by Foreign Min-
14 ister ARITA to the Privy Council. In the Japanese
15 text of these records it is stated that the contents
16 were materials for explanatory purposes. It does not
17 say "report" as it does in English. I have already
18 discussed this matter with the Language Arbiter and
19 they have also agreed to me on the point that the
20 word "materials" should be made clear on the record,
21 and I should like to have the prosecution also agree
22 with me on this point.

23 THE PRESIDENT: Major Moore.

24 LANGUAGE ARBITER MAJOR MOORE: If the Court
25 please, sir, there is just a little misunderstanding.

1 I have no doubt in my own mind that what Dr. KIYOSE
2 said is true. However, I am sure, I am afraid the
3 impression was made that the Arbitration Board agreed
4 with Dr. KIYOSE in this matter. The position of the
5 Board, if the Tribunal please, was that the pros-
6 ecution should have a chance to state its position
7 before the Board. Then the Board would render its
8 decision to the Tribunal.

9 THE PRESIDENT: The prosecution will be given
10 that opportunity, and we will take the report later.

11 Mr. Parkinson.

12 DR. KIYOSE: Mr. President, I apologize, Mr.
13 President, for speaking out of order. However, I
14 consulted the arbiters while the prosecutor was reading
15 from the evidence.

16 THE PRESIDENT: We take it you acted in good
17 faith, Dr. KIYOSE.

18 MR. PARKINSON: I now offer, if the Tribunal
19 please, IPS Document No. 605 to which is attached a
20 certificate of authenticity, the Corresponding Secretary,
21 The First Demobilization Bureau. This document is
22 entitled "Presentation (Sending) of Situation Estimate
23 of Central China Expeditionary Army," dated "July 24,
24 1939," from YOSHIMOTO, Sadaichi, Chief of Staff,
25 Central China Expeditionary Army to YAMAMAKI, Masataka,

1 "Minister of War." The certificate reads as follows:
2 "IPS No. 605. Statement of Source and Authenticity.
3 I, ISHIBASHI, Kaneo, hereby certify that I am official-
4 ly connected with the Japanese Government in the
5 following capacity: Corresponding Secretary, and
6 that as such official I have custody of the document
7 hereto attached consisting of (blank) pages, dated
8 3 - 7 August 1939 and described as follows: Confi-
9 dential Daily Reports from Chinese Expeditionary Force.
10 I further certify that the attached record and docu-
11 ment is an official document of the Japanese Govern-
12 ment, and that it is part of the official archives
13 and files of the following named ministry or depart-
14 ment (specifying also the file number or citation, if
15 any, or any other official designation of the regular
16 location of the document in the archives or files):
17 First Demobilization Bureau. Signed at Tokyo on this
18 5 day of July, 1946, Kaneo ISHIBASHI, Signature of
19 Official, Official Capacity," and signed by "Witness
20 Shinaji KOBAYASHI."

21 There is likewise attached a certificate
22 from Mr. Danly.

23 THE PRESIDENT: We don't want you to read that.

24 MR. PARKINSON: May I offer that in evidence,
25 your Honor?

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 605 will receive exhibit number 272.

4 (Whereupon, prosecution's exhibit No.
5 272 was received in evidence.)

6 MR. PARKINSON: May I ask the indulgence of
7 the Court in asking Justice Mansfield to help me out
8 on the reading.

9 THE PRESIDENT: Mr. Justice Mansfield.

10 MR. JUSTICE MANSFIELD (Reading): "Central
11 China Expeditionary Army Situation Estimate. Dated:
12 20 July, 1939. Issued by the Headquarters of the
13 Central China Expeditionary Army and presented by
14 YOSHIMOTO, Sadaichi (Chief of Staff of the same Army).
15 To be distributed to the following: The Vice-Chief
16 of the Military General Staff. 6 copies. The Vice-
17 Minister of War. The Commander of the 11th Force.
18 The Commander of the North China Expeditionary Army.
19 The Commander of the "NAMI" Air Group. Duplicates
20 (to be reserved for commanders, chiefs of staff, vice-
21 chiefs of staff and departmental chiefs) 8. Total:
22 23 copies.

23 "Decision. In order to meet a protracted war,
24 this Army should gradually create conditions which can
25 be long maintained and should continuously crush and

1 "destroy the fighting power of the enemy by direct
2 action from the air and on the ground.

3 "At the same time, by resorting to active
4 political resources and stratagems, weaken the foun-
5 dation of the enemy's spiritual and material powers
6 of resistance. Especially as regards his political
7 and economic organization. It is necessary to es-
8 tablish a new central government and bring it up so
9 that a fundamental solution of the Incident can be
10 hastened.

11 "Outline of Treasures. 1. This Army will
12 carry on its task, maintaining most of the present
13 occupied areas. In the area allotted to the 11th
14 Force, efforts will be made to concentrate our
15 strength so that we can avail ourselves of every
16 opportunity to crush the enemies around us. In the
17 area allotted directly to this Army, especially the
18 'triangular area', we will endeavour to attain the
19 complete maintenance of order and peace. For this
20 purpose, we will consider a partial operation against
21 the strategic points around our occupied areas. We
22 should try to prevent any worsening of the international
23 situation which might affect adversely the solution
24 of the Incident. However great the need may be, the
25 withdrawal of the troops should not be made until after

1 "the beginning of the 15th year of Showa (1940)
2 in consideration of the process of the establishment
3 and growth of the new central government and antici-
4 pated time of the downfall of CHIAN's Government.
5 However, this Army is always ready to be equal to
6 any change in the international situation.

7 "2. The army air forces, in cooperation
8 with the naval air corps, will crush the enemy air
9 and ground forces, by acting in concert with ground
10 operations in and around the occupied area and at
11 the same time will carry out attacks upon the stra-
12 tegic points in and around the occupied area and
13 at the same time will carry out attacks upon the
14 strategic points in the hinterland in order to ter-
15 rorize the enemy's forces and civilians and so develop
16 among them an anti-war pacifist tendency.

17 "For an advancing operation into the hinter-
18 land, we shall carry out restricted operations for
19 the purpose of obtaining strategic air bases.

20 "3. This army will, in accordance with
21 the principle of national economy, consider re-
22 stricted operations for the purpose of making this
23 area fully self-supporting as well as of obtaining
24 the resources essential for national defence.

25 "4. Efforts will be devoted to propaganda

1 "destroy the fighting power of the enemy by direct
2 action from the air and on the ground.

3 "At the same time, by resorting to active
4 political resources and stratagems, weaken the foun-
5 dation of the enemy's spiritual and material powers
6 of resistance. Especially as regards his political
7 and economic organization. It is necessary to es-
8 tablish a new central government and bring it up so
9 that a fundamental solution of the Incident can be
10 hastened.

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12 carry on its task, maintaining most of the present
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14 Force, efforts will be made to concentrate our
15 strength so that we can avail ourselves of every
16 opportunity to crush the enemies around us. In the
17 area allotted directly to this Army, especially the
18 'triangular area', we will endeavour to attain the
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20 purpose, we will consider a partial operation against
21 the strategic points around our occupied areas. We
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24 of the Incident. However great the need may be, the
25 withdrawal of the troops should not be made until after

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8 with the naval air corps, will crush the enemy air
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18 land, we shall carry out restricted operations for
19 the purpose of obtaining strategic air bases.

20 "3. This army will, in accordance with
21 the principle of national economy, consider re-
22 stricted operations for the purpose of making this
23 area fully self-supporting as well as of obtaining
24 the resources essential for national defence.

25 "4. Efforts will be devoted to propaganda

1 "and conciliation, especially to the clarification
2 and spreading of the principles and doctrines ad-
3 vocated by the new Central Government. Moreover, we
4 will make the thought movement against Communism more
5 active, and win the hearts of the people by rehabil-
6 itating them so that we may conciliate and organize
7 them under the banner of the new Central Government."
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1 MR. JUSTICE MANSFIELD: I have been informed,
2 if the Tribunal please, that the heading is "Outline
3 of Measures" and not "Outline of Treasures" as it is
4 printed.

5 THE PRESIDENT: Well, it is "treasures" here,
6 but it is obvious what is meant.

7 MR. JUSTICE MANSFIELD: (Reading)

8 "5. We will establish a new Central Government
9 with WANG CHING-WEI as its head and give positive
10 support to its development.

11 "6. We will positively carry out stratagems of
12 various kinds.

13 "1. As to military matters, we will
14 conciliate both the regular and irregular forces,
15 and will utilize them to complete and strengthen
16 the power of self-protection of the new Central
17 Government.

18 "2. Politically we will carry out various
19 plans following the policy shown in Clause V.

20 "3. As to economics, we will root out
21 pro-CHIANG movements by Third Powers and obstruct
22 production and circulation of essential resources
23 inside the enemy's country, especially materials
24 for munitions, necessities of life, commodities
25 for export, etc. Moreover, we will continue the

1 blockade of YANGTZE River and devote ourselves to
2 driving out British influence along the same river.

3 "4. As to thought, we will organize and
4 carry out people's movements, based on pro-Japanese
5 anti-Communist, anti-British, Pacifiast and Pan-
6 Asiatic ideas.

7 "7. In respect of all foreign settlements,
8 especially the SHANGHAI settlement, we will take
9 positive measures, acting in concert with the Cen-
10 tral Office and encourgaing the Chinese. For this
11 purpose, the use of military force may be anticipated.

12 "8. In view of the special nature of the
13 present stage of the Incident, the Central Office
14 should strengthen its capacity for carrying out
15 economic and diplomatic projects on the spot as
16 shown below, by acting in concert with the authorities
17 concerned.

18 "1. Establish an organization for putting
19 into effect projects connected with economic schemes
20 and self-support of area controlled by this Army.

21 "2. Strengthen the diplomatic channels in
22 this area both in quantity and quality so that
23 diplomatic work in SHANGHAI can be carried on more
24 actively.
25

"EXPLANATION

1
2 "1. It is recognized that the fighting power of the
3 enemy facing this Army is at present rapidly dwindling
4 and that they are not only incapable of carrying out
5 organized positive operations, but also they are
6 gradually falling into a state of degeneration and
7 collapse.

8 "The main cause rests rather in the power of
9 resistance which should strengthen and support the
10 first line troops, weakening rather than any loss of
11 fighting power on part of the latter.

12 "For example, most of the leaders of the National
13 Party Army have lost faith in the future of this war
14 of resistance; officers of the central body have
15 suffered loss and demoralization; bad relations exist
16 between the National Party and Communist Party;
17 internal troubles have arisen around peace problems;
18 pacifist and anti-war feeling is rife among the
19 people; insufficient support for CHIANG KAI SHEK is
20 being received from other Powers, especially Britain
21 and the Soviet; there is a lack of financial material
22 and personnel resources; communication systems have
23 been destroyed; and together with the destruction of
24 the machinery of production supplies from the rear
25 have been cut off. All the above are described in

1 detail in a separate report entitled "A Study of the
2 Fighting Power of the Chinese Forces." We judge
3 that it is impossible for the enemy now under such
4 conditions to restore and prepare his counter-attacking
5 power even if given some time for this purpose. Among
6 the first line officers and men, especially the
7 younger ones, there are not a few who, after years of
8 inculcation, have been led into the simple error of
9 resisting Japan on a basis of national salvation,
10 and who have a firm belief in final victory, having
11 been deceived by the skilful propaganda. Even at the
12 Supreme Command, some officers blindly believe false
13 reports from the first line and misinformation from
14 home and abroad, or force themselves to affirm such
15 reports and information only for self-comfort and
16 consequently are quite aware of their defeat. There-
17 fore, first line enemy forces will not only never
18 suffer an overall collapse but unless their organiza-
19 tion is completely destroyed by direct attack, they
20 can not be expected that they will surrender thus.
21 But even such ignorant and bigoted persons will come
22 to correct their errors of judgment when they become
23 aware of the truth with the progress of time. If
24 the National Government lose its authority over the
25 people and its control is weakened, it can easily be

1 imagined that those elements who have been aware of
2 the truth of China's defeat and yet have been unable
3 to realize their desire for an armistice will
4 gradually rise up and will finally create a new
5 general trend, strengthening their unification and
6 increasing their power. In short, we expect that the
7 military fighting power that is the source of the
8 enemy's power of resistance is on its way to
9 deterioration, and that finally the development of
10 WANG CHING-WEI's "Peace and State Salvation" move-
11 ment and the shortage of food and clothing will
12 result in sudden appearance of anti-CHIANG and peace
13 movements under the conditions described above,
14 even if we attempt to attain the object of war only
15 by genuine strategic operations and plan to anni-
16 hilate the enemy's military forces, attacking them so
17 often at so many places, even at the border of TIBET,
18 it would be impossible for us to achieve our final
19 war objects because of the peculiar nature of the
20 enemy country which possesses vast territory, rich
21 resources, a big population, and yet no modern well
22 unified national structure. Therefore, we do not
23 therefore, see any necessity for further strategic
24 operations at present in view of the fact that we
25 have already occupied the important parts of China

1 and have administered a serious blow upon the main
2 force of the National Party Army, to say nothing of
3 the present pressing international situation.

4 "Our military offensive, then, should be re-
5 stricted only to operations necessary to bring
6 pressure on the enemy or crush his attempts at
7 counter-attacks, and for the maintenance of order
8 and peace in the occupied area, especially in the
9 "triangular zone," or again to operations which are
10 part of our strategic plan. On the other hand, we
11 should attempt to destroy the enemy's core of
12 resistance in the rear by offensive operations con-
13 sisting of political measures and strategems. To
14 deal with the enemy remnants in the occupied area,
15 especially in the "triangular zone" of the lower
16 YANGTZE River, we will disperse suitable troops and
17 in addition we will enforce the maintenance of
18 order and peace by consolidation of the occupied
19 area, by organizing and strengthening various Chinese
20 peace preservation groups by establishing defense
21 installations and communication facilities, and by
22 carrying out resolute and constant subjugation.

23 "Our 11th Army which directly faces the centre
24 of enemy resistance should dispose as big mobile
25 units as possible so that they can, at any time,

1 break up any enemy counter-attacks in that area and
2 so hasten the collapse of the enemy's first line
3 groups. We expect to carry out partial offensive
4 operations for the purpose of anticipating and break-
5 ing up enemy counter-attacks or of mopping up centres
6 of disturbance of order and peace.

7 "The army air forces, cooperating with the naval
8 air forces and participating in ground operations in
9 and around the occupied area, should destroy the
10 enemy and his military equipment and carry out
11 offensive operations against the strategic points
12 in the interior. As to the offense operations
13 against strategic points in the interior, there
14 have been various different views about their value,
15 but the great effect they have of creating anti-
16 CHIANG feeling and a hatred of war does not need to
17 be enlarged upon.

18 "As long as CHIANG's authority is complete
19 and anti-Japanese feeling of the people in general
20 is tense, air-bombing, especially damage to innocent
21 civilians may well result in stimulating this anti-
22 Japanese feeling, but with the people's gradual
23 recognition of the disadvantages of a protracted war
24 and with the tension created by Anti-CHIANG feeling
25 and hatred of war, we believe the effects of the air

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22 Japanese feeling, but with the people's gradual
23 recognition of the disadvantages of a protracted war
24 and with the tension created by Anti-CHIANG feeling
25 and hatred of war, we believe the effects of the air

1 bombing will be rapidly intensified. Consequently,
2 what we expect of offensive operations against the
3 interior is the mental terror they will create among
4 the enemy forces and civilians rather than the material
5 damage inflicted direct upon enemy personnel or
6 equipment.

7 "We will wait and see them falling into
8 nervous prostration in an excess of terror and madly
9 starting anti-CHIANG and pacifist movements. It
10 will be necessary, therefore, for us to adopt
11 'mercy and sternness' methods, bombing as well as
12 dropping necessities of life and propaganda leaflets.

13 "3. If our Empire devotes herself to solving the
14 Incident by using her entire strength with great
15 determination, a part of the enemy's power will, as
16 I shall describe later, unite with the Red Soviet and
17 occupy some important part of the Continent in order
18 to upset our sacred mission, but their actual ability
19 must not be such as to create or lead any general
20 trend, and consequently, we do not expect to have
21 much difficulty in causing this 'Holy War' to bear
22 succulent fruit. It is thus absolutely necessary for
23 us to prevent the international situation from so
24 changing as to boil the complete solution of this
25 Incident. The structure of the enemy's resistance

1 is now standing on the brink of collapse, and with
2 the birth of the new Central Government which is
3 expected to appear shortly, the completion of our
4 holy task which has been carried on with such
5 tremendous sacrifice is steadily coming nearer. So
6 our Empire should devote herself to accomplish her
7 purpose at all costs and risks, preventing any fail-
8 ure at this extremely important movement. However
9 great the need, the reorganizing and removal from
10 Central China of military forces should not be made
11 until after the beginning of the year 1940 in view
12 of the anticipated time of the downfall of CHIANG's
13 regime, and in view of the process of establishing
14 and developing the new Central Government of the
15 anticipated time and failure of the counter-attack
16 operation by the National Party Army, known as the
17 2nd Term Force, and of various other circumstances.

1 "4. CHIANG KAI-SHIK strengthened his own hegemony
2 by compromising with the Communist Party under the
3 cloak of 'Founding the State through a War of Resist-
4 ance,' and during his war of resistance against Japan
5 he utilized his old rivals the SHANSI Army, the
6 SHANTUNG Army, the old TUNGPEI Army, the KWANGSI
7 Army and the SZECHWAN Army as his own forces, some-
8 times availing himself of good chances to destroy
9 their fighting power under the shell-fire of our
10 forces. It is judged that at present the Communist
11 Party is under the control of the National Party too
12 and has no capacity to create a new trend in the
13 situation.

14 "The general public, especially the young
15 intelligentsia, affected by education and propaganda
16 for many years, have very deep and keen racial con-
17 sciousness and anti-Japanese feeling. We must
18 therefore admit, although it is a matter of regret,
19 that the political resistance power of CHIANG's regime
20 is still considerable. If it should happen that the
21 CHUNGKING Government should split in the future,
22 this would never arise from friction between the
23 National Party and the Communist Party but might
24 possibly occur as a result of some dispute between
25 the Jingoists and Pacifists, and it goes without

1 saying that the entire Communist Party is a war
2 party. Therefore, if we attempt to create a pacific
3 trend, it is necessary to give all possible support
4 to WANG CHING-WEI whose slogan is 'Peace and State
5 Salvation,' and who intends to work for this purpose
6 with our Army area as its vast stage. Although it
7 is a fact, as I have already pointed out, that the
8 Communist Party is now being utilized by CHIANG
9 KAI-SHEK, we should make greater efforts to carry
10 out our 'Thought' operations, against Communism
11 since any machination which may result in an in-
12 ternal split in the CHIANG regime and provide a reason
13 for the establishment of a new Central Government is
14 of the first importance. Thus, if the pacifists
15 gain the victory, CHIANG KAI-SHEK who is now barely
16 holding his present position under the cloak of
17 'Founding the State by Resistance' will necessarily
18 collapse. The Communist Party together with other
19 jingoistic groups will come under the sway of
20 Soviet Russia, and will settle in the northwest
21 region where, acting in concert with Outer MONGOLIA,
22 it will continue to oppose our Asia Development
23 Camp.

24 "That is the reason why this Incident can-

25

1 not be solved merely by an armistice between Japan
2 and China, and why it must take a considerable time
3 before its complete settlement. Hence Japan, who
4 aims at the establishment of a New Order of East
5 Asia, must station her forces in the present occu-
6 pied area for a long period, devoting herself to
7 encouraging natural growth of a pro-Japanese Central
8 Government and to economic reconstruction.

9 "5. In order to deal with a protracted war, our
10 Army should secure, with the support of powerful
11 armed forces, all important political, economic and
12 cultural points and lines, and develop various con-
13 struction works in the occupied areas. It is also
14 necessary for our Army to consider measures for the
15 collection, production, and supply of all necessi-
16 ties for the front, and if possible, to transport
17 essential resources to the homeland.

18 "Moreover, necessary preparations will be
19 required for military operations to obtain specific
20 mineral resources in KIANGSI and HUNAN Provinces.

21 "6. China has already lost most of her harbors,
22 and her entire coast is being blockaded by our
23 forces, so that it is not too much to say that she
24 is now receiving no custom revenue. As a result of
25 the abandonment of her territory after repeated

1 defeats, her revenue from consolidated tax and salt
2 tax has shown a very remarkable decrease, and she is
3 now being compelled to depend upon foreign loans for
4 her rapidly increasing military expenditure. The
5 production of tea, pawlownia, oil, silk thread and
6 specific minerals which are her main items for export
7 have considerably decreased, and the shipping of these
8 products has become so difficult that they can hardly
9 be taken as security for foreign loans. Consequently,
10 a foreign loan is now a matter of an entirely politic-
11 al nature and can be made only by Britain who has a
12 common interest in the Chinese FAPI. It may be said,
13 therefore, that material and financial support by
14 Britain is the only big element that can control the
15 enemy's power of resistance. In view of this fact,
16 it is absolutely necessary for us, in order to de-
17 stroy the economic and financial power of resistance
18 of the CHIANG Government, to force Britain to give
19 up her support of CHAING KAI-SHEK. As there is a
20 probability that Britain will lose all her interests
21 in China as a result of her support of CHIANG, it is
22 possible, provided we adopt a strong attitude, to
23 bring utilitarian Britain to reflect on the matter
24 and change her policy.

25 "7. The reason why China is still capable of con-

1 tinuing her resistance, although two full years have
2 passed since the occurrence of the Incident, is
3 exactly that she has succeeded in instilling the
4 Chinese people with heated racial consciousness by
5 means of the slogan of 'Founding the State of
6 Resistance.'

7 "Therefore, if we desire the downfall of
8 the CHUNGKING Government, we should try to estrange
9 the Chinese people from CHIANG. We should grip and
10 utilize the innermost racial consciousness of the
11 people and, by controlling it, should develop their
12 ability to undertake political activities. This is
13 the reason why we claim that propaganda and cajole-
14 ment is the foundation of our long-term task of
15 reconstruction. It is also necessary for us to draft
16 and clarify immediately the principles and platform
17 of the new Central Government and make them the
18 basis of our propaganda and cajolement. As our pro-
19 Japanese and anti-Communist propaganda has not
20 appealed to the minds of the Chinese people, much
21 better creative devices will be required in future.
22 "8. There is no doubt that the foreign settlements
23 are disturbing the strengthening of discipline and
24 order as well as affecting adversely economics and
25 finance. To take some drastic measures against this

1 state of affairs is the best way not only to fulfill
2 the duty of the Army and maintain its existence, but
3 also to make the Third power abandon their pro-
4 CHIANG policy and so awaken China and the Chinese
5 people from their ominous dream of 'dependence upon
6 Europe and America.' Especially, the cleaning-up
7 of the SHANGHAI settlement should be carried out
8 immediately in order to hasten the accomplishment of
9 the work of WANG CHING-WEI.

10 "These views bring us to the conclusion that
11 the problem of the foreign settlement is one of the
12 most important questions relating to the construction
13 of the New Order in East Asia and the creation of a
14 union of East Asia, and it is our belief that the
15 solution of this problem will constitute an important
16 part of the settlement of the Incident. Therefore,
17 we should be strongly determined to make positive use
18 of armed forces as the situation demands.

19 "9. We have no hesitation in saying that our
20 political activities, especially those of a diplo-
21 matic and economic nature, towards the attainment of
22 the military objectives of the Incident are so un-
23 satisfactory, despite great progress in strategic
24 operations, that they not only fail to utilize the
25 results so gained but do not even manage to keep up

1 with these successes. Therefore, we should say that
2 it is our urgent duty to make our political moves
3 much more active and effective in the occupied areas.
4 It is especially necessary to establish, besides a
5 liaison organ for the Developing Asia Board (KOIAN),
6 an economic staff in the Army consisting of capable
7 persons well acquainted with the actual economic
8 situation of the State and it is moreover necessary
9 to strengthen the Imperial Japanese diplomatic organ
10 at SHANGHAI in quality and size. These steps should
11 be taken to establish more actively and effectively
12 the self-sufficiency of our forces in the occupied
13 area as well as to intensify economic warfare, which
14 is closely connected with our national economy."
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1 THE PRESIDENT: Mr. Parkinson.

2 MR. PARKINSON: I now offer in evidence IPS
3 document No. 623 entitled "Message Concerning Special
4 Investigation of Inner Mongolia," and dated 19 June
5 1938. It is from ISHIMOTO, Torazo, Chief of Staff of
6 the Japanese Army in Mongolia, to TOJO, Hideki, Vice-
7 Minister of War. Attached to this document is a
8 certificate of authenticity from the Corresponding
9 Secretary of the First Demobilization Bureau. The
10 certificate reads as follows: "IPS No. 623, State-
11 ment of source and authenticity. I, KANEO,
12 Ishibashi hereby certify that I am officially con-
13 nected with the Japanese Government in the follow-
14 ing capacity, Corresponding Secretary, and that
15 as such official I have custody of the document here-
16 to attached consisting of blank pages dated blank,
17 1938, and described as follows: China Daily Con-
18 fidential Files, Volume No. 73."

19 THE PRESIDENT: Did I understand you to
20 say that he certified to a document of so many blank
21 pages?

22 MR. PARKINSON: That is the form of this
23 certificate but I think the explanation lies in this,
24 your Honor: this is an extract from a bound volume
25 entitled, "Confidential Daily Reports from China

1 Expeditionary Forces."

2 THE PRESIDENT: He should state the number
3 of pages he certifies to.

4 MR. PARKINSON: The certificate, if the
5 Court please, appears to go to the bound volume
6 entitled, "Confidential Daily Reports from China,"
7 from which this has been extracted, and he refers
8 to it as "China Daily Confidential Files, No. 73"
9 rather than specifying the number of pages in the
10 volume. In other words, his certificate does not
11 go just to that portion which I intend to offer but
12 to the entire volume, itself.

13 THE PRESIDENT: Yes. You had better pro-
14 ceed, Mr. Parkinson.

15 MR. PARKINSON: I now offer that into
16 evidence.

17 THE PRESIDENT: Yes. Well, that is admitted
18 on the usual terms.

19 CLERK OF THE COURT: Prosecution's docu-
20 ment No. 623 will receive exhibit No. 273.

21 (Whereupon, the document above
22 referred to was marked prosecution's exhibit
23 No. 273 and received in evidence.)

24 THE PRESIDENT: Well, you would hardly have
25 time to complete the reading. It is a lengthy

1 document.

2 We will adjourn now until half past nine on
3 Monday morning.

4 (Whereupon, at 1555, an adjourn-
5 ment was taken until Monday, 12 August
6 1946, at 0930.)

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